

ELECTION OF CHAPLAIN

The Speaker announced that the next business in order is the election of Chaplain.

Hon. A. W. Griffith, of Travis County, nominated C. M. Ashmore, of Travis County.

Hon. J. H. Fisher, of Young County, nominated John W. Holt, of Calhahan County.

Hon. Joe A. Merritt, of Scurry County, nominated E. C. Lambert, of Scurry County.

Hon. Morris Roberts, of Bee County, nominated Geo. W. Coltrin, of Bee County.

Hon. John W. Fain, of Parker County, nominated B. J. Forbes, of Parker County.

Hon. Joe K. Wells, of Navarro County, nominated J. F. Stark, of Travis County.

Hon. Ben Ramsey, of San Augustine County, nominated Sam P. Johnson, of Shelby County.

Hon. J. W. Golson, of Coleman County, seconded the nomination of John W. Holt.

Hon. A. Crockett Kyle, of Palo Pinto County, seconded the nomination of B. J. Forbes.

Hon. Sam Devall, of Lavaca County, seconded the nomination of J. F. Stark.

Hon. Lon E. Alsup, of Panola County, seconded the nomination of Sam Johnson.

Hon. G. W. Rollins, of Comanche County, seconded the nomination of John W. Holt.

Hon. Arthur C. Riddle, of Caldwell County, seconded the nomination of C. M. Ashmore.

The Speaker announced the appointment of the same tellers, acting as before, to take up and count the vote.

The vote, being taken up and counted, resulted as follows:

C. M. Ashmore received 18 votes.
John W. Holt received 31 votes.
E. C. Lambert received 5 votes.
John W. Coltrin received 26 votes.
J. F. Stark received 10 votes.
B. J. Forbes received 21 votes.
Sam P. Johnson received 16 votes.

No candidate having received a majority of all votes cast, a second ballot was ordered.

The vote, being taken up and counted, resulted as follows:

John W. Holt received 45 votes.

George W. Coltrin received 70 votes.

George W. Coltrin, having received a majority of all votes cast, was declared to be duly elected Chaplain of the House.

OATH OF OFFICE ADMINISTERED

The constitutional oath of office was then administered by the Speaker to the following elected officers of the House:

Louise Snow Phinney, Chief Clerk.
J. L. Robinson, Journal Clerk.
Joe W. White, Sergeant-at-Arms.
Elsie Rupert, Enrolling Clerk.
Alice Kilman, Engrossing Clerk.
A. C. Dunn, Reading Clerk.
W. H. Wiggs, Assistant Reading Clerk.
Gladys Nichols, Calendar Clerk.
E. R. Lindley, Doorkeeper.
George T. Atkinson, Assistant Doorkeeper.
George W. Coltrin, Chaplain.

ADJOURNMENT

On motion of Mr. Kayton, the House, at 6:00 o'clock p. m., adjourned until 10 o'clock a. m., tomorrow.

THIRD DAY

(Thursday, January 12, 1933)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll was called, and the following Members were present:

Mr. Speaker.	Camp.
Adamson.	Canon.
Aikin.	Cathey.
Alexander.	Caven.
Alsup.	Chastain.
Anderson	Clayton.
of Bexar.	Colson.
Anderson	Coombes.
of Johnson.	Cowley.
Baker.	Crossley.
Barrett.	Daniel.
Barron.	Davidson.
Beck.	Dean.
Bedford.	Devall.
Bourne.	Dunagan.
Bradley.	Dunlap.
Burns.	Duvall.
Butler.	Dwyer.
Calvert.	Engelhard.

Fain.	McKee.
Few.	Merritt.
Fisher.	Metcalfe.
Ford.	Mitcham.
Fuchs.	Moffett.
Glass.	Moore.
Golson.	Morrison.
Good.	Morse.
Goodman.	Munson.
Graves.	Nicholson.
Greathouse.	Palmer.
Griffith.	Parkhouse.
Haag.	Patterson.
Hankamer.	Pavlica.
Harman.	Pope.
Harris.	Purveyer.
Harrison.	Ramsey.
Hartzog.	Ratliff.
Head.	Ray.
Hester.	Reader.
Hicks.	Reed of Bowie.
Hill of Brazoria.	Reed of Dallas.
Hill of Webb.	Renfro.
Hodges.	Riddle.
Holekamp.	Roberts.
Holland.	Rogers
Holloway.	of Ochiltree
Hoskins.	Rogers of Hunt.
Huddleston.	Rollins.
Hughes.	Ross.
Hunt.	Russell.
Hyder.	Savage.
Jackson.	Scarborough.
James.	Scott.
Jefferson.	Shannon.
Johnson	Shults.
of Dimmit.	Smith.
Johnson	Stanfield.
of Anderson.	Stevenson.
Jones of Runnels.	Steward.
Jones of Shelby.	Stinson.
Jones of Atascosa.	Stovall.
Kayton.	Sullivant.
Kyle of Palo Pinto.	Tarwater.
Kyle of Hays.	Tennyson.
Laird.	Thomas.
Latham.	Tillery.
Lemens.	Townsend.
Leonard.	Turlington.
Lindsey.	Van Zandt.
Long.	Vaughan.
Lotief.	Wagstaff.
Magee.	Walker.
Mackay.	Weinert.
Mathis.	Wells.
McClain.	West.
McCullough.	Winningham.
McDougald.	Wood.
McGregor.	Young.

A quorum was announced present.

Prayer was offered by Rev. Geo. W. Coltrin, Chaplain.

HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Mathis:

H. B. No. 1, A bill to be entitled "An Act appropriating the sum of two hundred thousand dollars (\$200,000), or so much thereof as may be necessary, payable out of the General Revenue and not otherwise appropriated, to pay the mileage of Members, their per diem, and to pay the salaries and per diem of officers and employes of the Forty-third Legislature of the State of Texas, and declaring an emergency."

Referred to Committee on Appropriations.

By Mr. Mathis:

H. B. No. 2, A bill to be entitled "An Act making an appropriation of the sum of fifty thousand dollars (\$50,000), or so much thereof as may be necessary, out of the General Revenue of the State of Texas, to pay the contingent expenses of the Forty-third Legislature of the State of Texas; providing how accounts may be approved, and declaring an emergency."

Referred to Committee on Appropriations.

By Mr. Patterson, Mr. Shannon, and Mr. Duvall:

H. B. No. 3, A bill to be entitled "An Act to establish a system of public roads and bridges for Tarrant County and to empower the commissioners court thereof to provide rules and regulations therefor, and a system for the construction thereof, to condemn private property for such purposes, and to prescribe the powers and duties of the county commissioners, etc., and declaring an emergency."

Referred to Committee on Highways and Motor Traffic.

By Mrs. Hughes:

H. B. No. 4, A bill to be entitled "An Act amending Article 5326 of the Revised Civil Statutes providing for forfeiture of public school land on non-payment of any installment of principal or interest and manner of making forfeitures and for further

sale and providing for reinstatement within one year from date of forfeiture by purchasers, etc."

Referred to Committee on Public Lands and Buildings.

By Mrs. Hughes:

H. B. No. 5, A bill to be entitled "An Act to provide that no lease of any school or asylum land in which the State has a reservation of mineral shall be effective until filed in the General Land Office; and to provide that said lease shall be void unless it shall state the true considerations and terms and be accompanied by an affidavit by the owner that the terms and consideration in said lease are true and correct."

Referred to Committee on Public Lands and Buildings.

By Mrs. Hughes, Mr. Clayton, and Mr. Hankamer:

H. B. No. 6, A bill to be entitled "An Act to regulate the granting of pipeline right of way easements, and the terms thereof and the rates to be charged therefor, across public lands of Texas; providing for the disposition of proceeds received from such easements, etc., and declaring an emergency."

Referred to Committee on Public Lands and Buildings.

By Mrs. Hughes, Mr. Stinson, and Mr. Moffett:

H. B. No. 7, A bill to be entitled "An Act providing a uniform system of selecting the number and setting the salaries of deputies of the sheriff, county clerk, county attorney, district clerk, tax assessor, tax collector, district attorney, constables and justices of the peace in precincts of more than fifty thousand inhabitants, etc., and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Bradley:

H. B. No. 8, A bill to be entitled "An Act relating to the licensing of motor vehicle operators and chauffeurs and to the liability of certain persons for negligence in the operation of motor vehicles on the public highways, providing for issuance of licenses, revocation thereof, etc., and declaring an emergency."

Referred to Committee on Highways and Motor Traffic.

By Mr. Moffett:

H. B. No. 9, A bill to be entitled "An Act amending Chapter 237, Acts Regular Session, Fortieth Legislature; regulating tuition fees and charges at State educational institutions for resident and non-resident students; limiting the amount of same; permitting collection of reasonable deposits to insure against breakage and loss of property; permitting voluntary payments for student activities under certain restrictions, and declaring an emergency."

Referred to Committee on Education.

By Mr. Morse:

H. B. No. 10, A bill to be entitled "An Act to apportion the State of Texas into Representative Districts; to fix the number of Representatives thereof; to repeal all laws in conflict herewith, and declaring an emergency."

Referred to Committee on Congressional and Representative Districts.

By Mr. Van Zandt et al.:

H. B. No. 11, A bill to be entitled "An Act authorizing the payment to the head of any department of the State Government of occupation, gross receipts, franchise, license, or other privilege taxes or fees under protest upon the supposed ground of invalidity of the tax or lack of power to collect the same, etc., and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Savage et al.:

H. B. No. 12, A bill to be entitled "An Act regulating fees of office for each county officer, precinct officer, district clerk, district attorney, and criminal district attorney, receiving fees of office for his services; providing for the payment of the premium on officer's bond, necessary expenses, deputies and assistants as allowed and approved by the county commissioners court; providing the amounts to be retained by said officers and the amounts to be paid into the county treasury, etc., and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Morse:

H. B. No. 13, A bill to be entitled "An Act to amend Article 1302 of the

Revised Civil Statutes of the State of Texas of 1925, so as to provide that private corporations may be formed for any lawful purpose or purposes, except as specified in this Act; providing that nothing in this Act shall be held to repeal or amend any general law of this State other than Article 1302, pertaining to the creation of corporations, the powers and duties thereof or limitations thereon, etc., and declaring an emergency."

Referred to Committee on Municipal and Private Corporations.

By Mr. Moffett:

H. B. No. 14, A bill to be entitled "An Act to amend Article 7043 of the Revised Civil Statutes, 1925, as amended by Chapter 23, Acts of the Third Called Session, Forty-first Legislature, as amended by Chapter 32, Acts Second Called Session, Forty-first Legislature, relating to ascertaining tax rate, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Alexander:

H. B. No. 15, A bill to be entitled "An Act amending Section 10, of Chapter 382, of the General Laws passed by the Regular Session of the Forty-second Legislature relative to the licensing of chauffeurs of trucks, and declaring an emergency."

Referred to Committee on Highways and Motor Traffic.

By Mr. Anderson of Bexar:

H. B. No. 16, A bill to be entitled "An Act amending Article 3891 of the Revised Civil Statutes as amended by the Forty-second Legislature, providing for the disposition of fees of officers; providing that if any part of this Act is held unconstitutional it shall not affect the remaining parts of the Act; repealing all laws in conflict herewith; fixing the effective date of the bill, and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Anderson of Bexar:

H. B. No. 17, A bill to be entitled "An Act amending Chapter 308 of the General Laws of the State of Texas passed by the Regular Session of the Forty-second Legislature, adjusting the compensation for county treasurers in counties of a population of not

less than two hundred and fifty thousand (250,000), where the treasurer of such counties prepares the payrolls, makes payments thereunder in cash, and acts as paymaster for the county, in addition to the regular duties as county treasurer, and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Anderson of Bexar:

H. B. No. 18, A bill to be entitled "An Act amending Article 6548, Revised Civil Statutes, 1925, so as to authorize the substitution, in whole or in part, of motor bus lines for street and interurban railways by companies authorized to operate a street, or suburban, or interurban railway, authorizing such companies to operate motor busses for the carrying of passengers for hire, and providing that such substitution of motor busses shall not impair any of the corporate powers of such corporations heretofore organized."

Referred to Committee on Common Carriers.

By Mr. Bradley et al.:

H. B. No. 19, A bill to be entitled "An Act to amend Article 1572, Chapter 3, Title 18, Penal Code of the State of Texas, Revision of 1925, and declaring an emergency." (Relating to 54-hour week for female employees.)

Referred to Committee on Labor.

By Mr. Morse:

H. B. No. 20, A bill to be entitled "An Act to safeguard against the irresponsible practice of the profession of architecture; defining and regulating the practice of architecture; creating a Board of Architectural Examiners; providing for appointment; fixing the terms of office; providing for the appointment of their successors and for filling vacancies, etc., and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Daniel et al.:

H. B. No. 21, A bill to be entitled "An Act authorizing the establishment of liens on mausoleums, monuments and markers wherever erected; providing procedure, and declaring an emergency."

Referred to Committee on Judiciary.

By Mr. Morse:

H. B. No. 22, A bill to be entitled "An Act to amend Article 5238, of Title 84, Revised Civil Statutes of the State of Texas, 1925, relating to landlords' liens and extending the lien to include all property of any subtenant of the tenant in such residence, storehouse or other building and all property stored with or by such tenant or subtenant in such residence, storehouse or other building with the owner's permission."

Referred to Committee on Judiciary.

By Mr. Morse:

H. B. No. 23, A bill to be entitled "An Act to amend Article 4668 of Title 76, Revised Civil Statutes, 1925, defining and relating to pool halls and exempting from the definition thereof, a room, hall or place used for a restaurant or other lawful legitimate business (other than a domino parlor), in which miniature or billiard tables of specific kind and dimensions not to exceed two in number are displayed and used under certain circumstances and restrictions, and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Thomas:

H. B. No. 24, A bill to be entitled "An Act amending Article 2692, 1925, repealing all laws in conflict herewith and declaring an emergency." (Relating to apportionment of funds to school districts.)

Referred to Committee on Education.

By Mr. Morse:

H. B. No. 25, A bill to be entitled "An Act to define and provide for the registration and licensing of motor vehicle and aircraft mechanics; creating a board for administration of the Act, prescribing certain penalties, and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Morse:

H. B. No. 26, A bill to be entitled "An Act to amend Section 10 of House Bill No. 6, passed at the Second Called Session of the Forty-first Legislature, providing for the distribution and apportionment of collections of license fees and for reports thereof, and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Baker:

H. B. No. 27, A bill to be entitled "An Act to prohibit the hunting, trapping, ensnaring, killing or possessing of any wild quail of any species within the limits of Commissioners Precinct No. 2 of the County of Karnes, State of Texas, for a period of five years from and after the passage of this Act; providing a penalty therefor, and declaring an emergency."

Referred to Committee on Game and Fisheries.

By Mr. Alsup et al.:

H. B. No. 28, A bill to be entitled "An Act to amend Article 4604 of the Revised Civil Statutes of 1925, as amended by the Acts of 1929, Forty-first Legislature, Chapter 114, so as to provide that persons who desire to marry shall procure from the county clerk a license directed to all persons authorized by law to celebrate the rites of matrimony, and that said license shall be sufficient to celebrate such marriage, etc., and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. McKee, and Mr. Wood:

H. B. No. 29, A bill to be entitled "An Act to create a bureau to assure the constitutionality and legality of all bills before final passage."

Referred to Committee on Judiciary.

HOUSE JOINT RESOLUTIONS ON FIRST READING

The following House joint resolutions, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Morse:

H. J. R. No. 1, Proposing an amendment to the Constitution of the State of Texas by adding to Article IX thereof a new section, to be numbered 3, so as to authorize any county having more than 60,000 population to adopt a home rule charter for the establishment and regulation of its government, which may provide that the commissioners court of such counties may serve as the governing body, or some other body shall act in lieu thereof, etc.

Referred to Committee on Constitutional Amendments.

By Mr. Moffett et al.:

H. J. R. No. 2, Proposing an amendment to Section 26, of Article III, of the Constitution of Texas, by adding thereto Section 26-a, providing that in no apportionment shall any county be entitled to more than six Representatives unless the population of such county shall exceed six hundred thousand people, etc.

Referred to Committee on Constitutional amendments.

MESSAGE FROM THE SENATE

Senate Chamber,
Austin, Texas, January 11, 1933.
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 2, Making appropriation to pay mileage and per diem of Members, and to pay salaries and per diem of officers and employes of the Forty-third Legislature.

S. B. No. 3, Making appropriation to pay the contingent expenses of the Regular Session of the Forty-third Legislature.

The Senate has adopted

S. C. R. No. 3, Relating to per diem and mileage of Members of the Forty-third Legislature.

S. C. R. No. 1, Relative to Joint Rules of the House and Senate.

S. C. R. No. 2, Relative to appointing a committee to count the votes for Governor and Lieutenant-Governor, etc.

The following have been appointed on the part of the Senate: Senators Hornsby, Stone, Parr, Russek, and Martin.

Respectfully,
BOB BARKER,
Secretary of the Senate.

SENATE BILLS ON FIRST READING

The following Senate bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate Bill No. 2, to the Committee on Appropriations.

Senate Bill No. 3, to the Committee on Appropriations.

PROVIDING FOR COMMITTEES TO NOTIFY GOVERNOR AND SENATE OF ORGANIZATION OF THE HOUSE

Mr. Lotief offered the following resolution:

Be it resolved, That the Speaker appoint two committees of four Members each, one to notify the Governor and the other to notify the Senate, that the House of Representatives is now organized and ready to transact business.

The resolution was read second time, and was adopted.

In accordance with the above action, the Speaker announced the appointment of the following committees:

To notify the Governor:

Messrs. Johnson of Dimmit, Harman, Stinson, Graves, and Alexander.

To notify the Senate:

Messrs. Greathouse, Anderson of Bexar, Moore, Lemens, and Jones of Atascosa.

GOVERNOR NOTIFIED

The committee appointed to notify the Governor that the House is now organized and ready for the transaction of business, appeared at the Bar of the House and, being duly announced, stated that they had performed the duty assigned them.

SENATE NOTIFIED

The committee appointed to notify the Senate that the House is now organized and ready for the transaction of business, appeared at the Bar of the House and, being duly announced, stated that they had performed the duty assigned them.

PROVIDING FOR TEMPORARY COMMITTEES ON APPROPRIATIONS AND RULES

Mr. Pope and Mr. Harman offered the following resolution:

Resolved, That the Rules of the House of the Forty-second Legislature be observed in the proceedings of the House for five days.

Resolved further, That the Speaker appoint a Temporary Committee on Rules, to consist of five members, and a Temporary Committee on Appropriations to consist of five members.

The resolution was read second time, and was adopted.

The Speaker announced the appointment of the following temporary Committee on Rules: Messrs. Pope, Stovall, McGregor, Harman, and Morse.

The Speaker announced the appointment of the following temporary Committee on Appropriations: Messrs. Harman, Kayton, McGregor, Stovall, and Ford.

(Pending the reading of the Governor's message, Mr. Chastain occupied the Chair temporarily.)

MESSAGE FROM THE GOVERNOR

Mr. Mark Wiginton, assistant secretary to the Governor, appeared at the Bar of the House, and, being duly announced, presented the following message from the Governor, which was read to the House, as follows:

Executive Department,
Austin, Texas, January 11, 1933.

To the Members of the Forty-third Legislature:

The past two years have been the most turbulent, economically, that the Government of Texas has experienced since Reconstruction. Hurlled from the heights of prosperity into the depths of an unprecedented depression, the State has suffered an ordeal unlike anything that ever before befell this fair Commonwealth. And, while we all hope and trust that the worst of it is over, a clear view of the situation reveals a rough and rocky road still ahead.

In fact, owing to the ravages of the economic storm and the necessity of repairing and rehabilitating where it has torn down, and solving the new problems it has created, the Forty-third Legislature faces a task and a responsibility of a magnitude and gravity unsurpassed by that of any previous law-making body in this State's history. I pray that you will be given the power and the wisdom to perform that task and meet that responsibility in such way as to hasten the restoration of prosperity to this State.

Like private enterprises, the State Government has suffered a sharp and tremendous falling off of revenues. Yet the expenditures are still nearly as high as ever. The changed conditions call for a far-reaching curtail-

ment of public expenditures, to resolve the State's budget back to the shrunken level of values and the people's ability to pay.

That is the primary problem that confronts you, ladies and gentlemen of the new Legislature. Great progress toward its solution has been made during the time I served as Chief Executive, as will be recounted. But there is still much to be done in that direction, especially since the electorate of Texas has adopted a constitutional amendment exempting homesteads from State taxes to the extent of \$3,000 assessed valuation. This leaves a hole in the State's income estimated at from five to seven million dollars; a hole which must be filled by either that much additional new revenue or that much reduction in State expenditures, or some of both. My own view is that the retrenchment course is the right one, and for the sake of the public welfare, I sincerely hope that in your wisdom you will adopt it.

In a few days I shall return to private life and take up the task of rebuilding something out of the wreckage wrought in my personal affairs while I have been serving the State. Before I go, I wish to take this occasion to acknowledge the debt of appreciation which I and the whole State owe to the Forty-second Legislature and to the various departments and agencies of State government for their services and their co-operation with the administration in grappling with the troubles which have beset the Government since the opening of 1931. But for their work, the condition of the State would now be far worse than it is. Many emergency demands were made upon the Legislature and it met them all with patriotic spirit and constructive energy. I doubt if a Texas Legislature ever gave a Governor more complete co-operation than that one gave me.

The Constitution directs that the Governor, at the commencement of each session of the Legislature, and at the close of his term of office, shall give the Legislature information, by message, of the condition of the State; recommend such measures as he may deem expedient, and account for all public moneys received and paid out on his order. In endeavoring to carry out these instructions, I shall discuss economic affairs, legislative and departmental activities,

recommend legislation deemed desirable, and submit an outline statement of the State's financial condition, together with an accounting of all public moneys received and paid on my order. For detailed information relative to the State's finances, I respectfully refer you to complete biennial reports made by the State Comptroller and the State Auditor and Efficiency Expert.

Economies

First, taking up the economies that have been effected in the various divisions of the Government: To meet an indicated deficit of about \$4,500,000 that confronted the State at the outset of my administration, and further deficit promised by diminishing tax collections due to deflating property valuations and business decline, I vetoed \$3,621,897 of the biennial appropriations that were passed at the Regular Session in 1931 for the support and maintenance of the State Government. Later in the year, I recommended a cut in State salaries, which would have reduced the budget approximately \$3,500,000. However, the salary reduction measure failed in the Senate, although I had been assured by a majority of both Houses that they would support it.

Fee Investigations

Through the efforts of the Senate Fee Investigating Committee, one of the most pernicious vices in the public service was uprooted. The collection of fraudulent fees by county and district officers had been costing the taxpayers approximately \$500,000 annually. Vigorous prosecutions and some convictions, and revisions in the State's methods of checking up on fee claims, have stopped the frauds and abuses, and the money formerly lost thereby is being saved.

In addition, the Fee Investigating Committee has prepared a program of legislation for introduction at this Session, designed to replace the entire fee system with a plan of adequate salaries for the county and district officers. At the same time, the Committee's disclosures have focused public attention upon the evils of the fee system, and crystallized public sentiment against it. The measures to be sponsored by the Committee on this subject are in accordance with the overwhelming wishes of the people, and it is my hope that they will be

enacted so that this vicious and antiquated scheme of fee grabbing will be stopped forever in Texas.

Prison System

A few years ago the Texas Prison System was widely regarded as a disgrace to the State Government. To-day the institution is known as a model of efficiency and is a credit to the State. The transformation is due to two things: the management and the working of the merit system of clemencies, inaugurated by my administration.

Under the present management, the Prison System has been placed upon a basis of efficiency that has won the acclaim of the entire State. For the first time in known history the System has been made to raise its own food and feedstuffs, in so far as possible, as well as the money crop of cotton. The packing and canning plant at Central State Farm, near Sugarland, put into operation last year, is enabling the System to provide much of its own fresh and cured meats, and canned vegetables. Indeed, the Penal System has not only begun to supply its own population with nearly 90 per cent of its food, but has sent some shipments of canned goods to eleemosynary institutions. A shoe factory and other industrial activities that have recently been developed and expanded are making possible other substantial savings.

These industrial reforms reflect a radical transformation in the erstwhile tax-draining Prison System. They have resulted already in savings of more than \$500,000 a year to the taxpayers. Given a few more years to blossom fully, the new system of efficiency and industry gives promise of being able to supply most of the food required by all the 25,000 mouths which the State now feeds in its various institutions, as well as much of the clothing and shoes they wear, and other necessities they use. This should make the penitentiary self-sustaining. Never before has this division of the State Government been so successfully administered as it now is. It is greatly to the interest of Texas to continue the present management as long as it can be retained.

There is no doubt that the success of the Prison System, both as to economics and discipline, is due largely to the pardon and parole policy under which clemencies are now granted solely on the basis of merit.

Under this plan the door of hope is held open to the State prisoner according to his good behavior, his attitude, and his industry. Thus the prospect of liberty and knowledge that only by establishing a good record can he hope for liberty, spurs him to the maximum of work and good conduct. This incentive has reduced escapes and disorders among the prisoners to a minimum, and improved their discipline and morale to a high degree.

Clemencies have been conditioned upon a clear prison record, and upon investigation and favorable recommendation by the Board of Pardons and Paroles; also usually the recommendations of trial court officers. And even then, I have followed the general policy of granting furloughs and paroles rather than outright pardons, in order that the State might retain a hold on the convict and return him to prison in event of misbehavior during the period of time covered by his sentence.

At my instance, the prison management has carried out levee work to protect the South Texas river bottom farms against the recurrence of disastrous overflows such as have destroyed their crops and properties on past occasions. This work, and extensive drainage ditching, reclamation and road building, have been encouraged by the Administration and the Legislature through appropriations and otherwise. Provision has been made for the erection of several new buildings on the farms and improvements in the penitentiary at Huntsville; all of which has placed the physical facilities of the System in fairly good condition and rendered its accommodation adequate, at least for a time, to the demands of the growing population.

Along with its industrial work, the prison management has carried on a far-reaching program of education. At the beginning of the present Administration, 136 inmates were enrolled in the prison schools. Now there are more than 2,200, or 44 per cent of the entire penal population. This is significant in view of the fact that approximately 41 per cent of convicts are totally illiterate, unable to read or write. A well-rounded system of education has been developed, with able supervision, with a curriculum including vocational as well as academic courses.

To cite a few miscellaneous figures of interest: In 1930, the total average population was 4,998; in 1932, it was 5,535. In January, 1931, there were 642 prisoners in jails awaiting transfer to the penitentiary; in January, 1932, there were 465; and on January 5, 1933, there were only 161. In 1931, a total of 2,153 inmates were discharged, 442 paroled, 333 furloughed. In 1932, there were 2,006 discharges, 1,173 paroles, 364 furloughs. For the biennium, 27 pardons.

Board of Pardons and Paroles

The Board of Pardons and Paroles has functioned efficiently during the past two years, carefully and promptly investigating each and every application for clemency, and conscientiously making its recommendations strictly according to the merits of the prisoners and their eligibility under the regulations of the law. The humblest inmate of the penal institution has had the same consideration and the same chance as the most influential, eligibility considered.

My experience with clemencies has convinced me that a change should be made in the System. Clemency applications consume more of the Chief Executive's time than any other single activity. The great majority of these applications are made by prisoners convicted of minor offenses, who have met the conditions stipulated by the law to make them eligible for parole; that is, they have served the prescribed minimum portion of their terms, and have clear records of conduct. The Pardon Board's investigations usually reveal quite conclusively whether or not the applicant is entitled to consideration; but since the Governor is held responsible for all clemencies, he must to a degree duplicate the Board's investigation and study of each case.

A competent, responsible board could handle clemencies as well as the Chief Executive, and the latter would thus be left with much more time to devote to constructive matters of government, and to the various departments for which he is held responsible. The duties of the Governor have been gradually increased during recent years, and probably will continue to grow. Considerable new work was placed upon him by the Act of 1931, making him the

Chief Budget Officer and requiring him to approve accounts of various departments. He should be relieved of the routine of clemencies.

To that end, I recommend that this Legislature submit a proposed constitutional amendment to the people, providing for a Board of Pardons and Paroles of three members; one member to be named by the Governor every two or four years, for a term of six or twelve years; the Board to have the power of granting all clemencies except in capital cases, which should be left to the Governor.

I suggest further that this Board be stationed at the Huntsville penitentiary, so that it will be convenient to examine prisoners when desired, and more accessible to those who wish to appear before the Board in behalf of prisoners seeking clemency.

Eleemosynary Institutions

Through the exercise of good business practice by the Board of Control in making purchases and in supervision, and the efficient management of heads of the eleemosynary institutions, those institutions have turned back into the Treasury about \$1,016,000 of the money appropriated for their operation during the past year, and at the same time have taken care of approximately 1,000 additional wards. This is a remarkable showing, and reflects very favorably upon the ability of the Board of Control, which has inaugurated numerous improved business practices.

While cutting down on expenses, the eleemosynary institutions have improved their service and their care of inmates. Several new buildings were provided by the last Legislature, and old buildings have been repaired and made fireproof, with the result that the housing congestion has been greatly relieved and accommodations have been provided for mental patients in county jails.

Oil Industry

Early in 1931, the development of the great East Texas Oil Field brought about a condition of overproduction and waste which threatened to dissipate tens and hundreds of millions of dollars in State mineral resources. The conservation law in effect at that time, was broken down by injunctions, and a scramble of

production began, which flooded the State with oil, running the price down to nearly nothing and causing untold physical and economic waste. The State's revenues from the 2 per cent gross production tax dropped by millions annually. Landowners of East Texas were losing their birthright; their oil was being drained at prices as low as 10 cents per barrel. These distress prices made it impossible for thousands of independent producers to operate small and marginal wells without loss throughout the State.

This deplorable state of affairs created a widespread insistent demand for a special session of the Legislature to reconstruct the conservation law and stabilize the industry. This was done; and meanwhile the situation became so grave that the property owners of the East Texas Area began threatening violence and insurrection unless the heedless waste of their oil was stopped. In petitions and mass meetings thousands of East Texans clamored for protection. In August of 1931, martial law was declared in the four counties affected, and State troops were placed in the field.

Under military control, orderly production was restored, and in time, the regulation of the field was returned to the State Railroad Commission under the new conservation statute enacted at the First Called Session of the Forty-second Legislature.

Only a few weeks ago that statute was in effect invalidated by a decision of a three-judge Federal court. It then became apparent that only a law taking economic waste and market demand into consideration could assure adequate and undisturbed conservation. Such a law was passed at the Fourth Called Session in last November, and it is now hoped that the petroleum industry can be maintained upon a more stable basis.

The saving of this great Texas industry from collapse, I am convinced, spared the State a catastrophe which would have shaken the entire financial and industrial structure of the Commonwealth. And this in addition to actual known savings of many millions of dollars in gross production taxes and property taxes, realized from the stabilization of production.

In this connection, I deem it fitting to mention in passing the sweeping health campaign that was made in the

East Texas oil field area during the period of martial law in 1931-1932, and to pay tribute to the officers and men of the Texas National Guard who initiated the campaign and voluntarily devoted so much of their time and effort to its prosecution. Their efforts undoubtedly averted a disease menace which had threatened to engulf that section.

This Administration has exerted efforts toward stamping out the stealing of crude oil at wells, which has grown into a major racket in East Texas. The militiamen gave the local authorities valuable assistance in this behalf, for which public expressions of appreciation were made by grand juries and officials. Also progress was made in the endeavor to stop gasoline tax evasions, which have resulted in State losses estimated as high as \$3,000,000 a year. A long step toward the efficient collection of the gasoline tax was taken in the passage of a bill requiring the first distributor to pay the levy. Under the law, as previously written, the indefinite designation of the tax sources was confusing and conducive to evasion.

River Bed Development

Great benefits from the East Texas oil field have been assured the State, in the form of royalty from wells drilled in its extensive river bed lands located in the proven territory of that field. I sponsored a bill which was enacted in September, of 1931, over determined opposition, creating the State Board of Mineral Development and authorizing the Board to explore and develop the river bed lands for oil, or have the work done by contract, at its discretion. This Board, of which the Chief Executive was designated chairman by the statute, in due time entered into advantageous drilling contracts with various companies whereby the State receives approximately 40 per cent of the royalties. Some eighty wells have already been drilled under the contracts. It is estimated that the State's share of the proceeds of this enterprise, on the basis of present crude prices, will ultimately amount to from three to six million dollars. While the restriction of production exacted by the proration law makes this income slow, nevertheless it is sure and will relieve the taxpayers to the extent of the money realized. Under the law enacted the State will have the privilege of drilling in the beds of any Texas river

that may become proven territory in the future through the development of new oil fields. Thus the possible benefits from this law are incalculable.

Joint Legislative Committee on Organization and Economy

The Joint Legislative Committee on Organization and Economy, created by concurrent resolution of the Forty-second Legislature, has completed a survey of the departments and institutions of State Government, assisted and guided by Griffenhagen and Associates, a Chicago firm of experts.

The recommendations made by the Committee in its report on organization and general administration are in the main disappointing. The changes it proposed would tend to concentrate the activities of the State too much in the hands of the Governor, and for that reason I do not believe the report prepared by these experts from the North will be acceptable to the people of this Democratic State.

While advocating a general upheaval that would throw the State into chaos, they have failed to show that the reorganization would result in any savings. Under the suggested program many functions of government would be shuffled and shifted around into new departments with changed names, in place of those that have been functioning for many years, yet without materially decreasing the number of agencies.

Some of the recommended changes meet with my approval, but in the program as a whole, I can see no hope of improving the State Government. For instance, to mention only one of numerous proposals, which I regard as very unwise, it advocates putting one administrative office in charge of vast affairs of the Highway Department, and doing away with the Highway Commissioners, who were selected by the Governor with the advice and consent of the Senate, from different sections of the State. To my mind that would be disastrous to the Highway Department. Considering the splendid accomplishments of the Department, controlled by three efficient Commissioners, it occurs to me that it would be folly to attempt to experiment with such radical changes.

Redistricting

At the instance of Members of the Legislature, I submitted the matter

of reapportioning the judicial districts, with the view of eliminating a number of districts which the State could as well do without, and effecting a more equitable division of territory and population among the remaining districts. This measure failed of passage, but a legislative committee was designated to make a study of the subject and recommend a plan of judicial redistricting to the new Legislature. The Committee's recommendations will be presented for your consideration, and will afford a means of saving the State a large amount of money annually, and at the same time improving the judicial system.

It will be recalled that the last Legislature also failed to reapportion the State as to congressional districts and legislative districts, and those problems remain for this Legislature's disposition.

Road Bond Assumption

I have mentioned the County Road Bond Assumption Law. This measure was part of a plan of highway financing which I had advocated since 1928. The two fundamental features of my program were: (1) That the counties be reimbursed for contributions they had made toward the construction of State designated highways; and be relieved from further responsibility in the financing of State highways; and (2) that the State should finance all future highway construction and maintenance with funds paid by the users of the highways and with Federal aid allotments.

As a means of carrying out that program and completing the highway system as quickly as possible, in order that its economic and social advantages might be made available to this generation, I urged the submission of an amendment to the State Constitution which would authorize the Legislature to issue State bonds in amounts sufficient to make the county refunds and carry on an adequate schedule of construction. In the Forty-second Legislature the county refund bond proposition and the construction bond proposition were offered separately, and both failed by a very few votes of mustering the two-thirds of the entire Legislature necessary to submit constitutional amendments to the people.

Thereafter a bill was passed seeking to give the counties a part of the gasoline tax revenues. It was vetoed on legal advice that as drawn it was

unconstitutional and would not accomplish the ends sought. In the course of time, the demand for tax relief became so acute, due to the business depression, that I called an Extraordinary Session of the Legislature, in September of 1932, for the consideration of county road bond refunds and other emergency relief matters.

I was assured that a bill that would meet the constitutional test could be framed, authorizing the State to appropriate one-fourth of the gasoline tax proceeds for the assumption of outstanding county road bonds, the proceeds of which were applied to State highway construction. The bill was enacted and has been put into effect, greatly relieving the burden of taxpayers of counties which have voted and sold such bonds.

While contemplating this legislation, I stated publicly that I still felt that a constitutional amendment should be adopted, as originally proposed in my plan, to remove all possibility of the Bond Assumption Act's invalidation, and to assure its permanency. I further stated that I would recommend the submission of such an amendment to the Forty-third Legislature, and, accordingly, I respectfully recommend its initiation by this honorable body.

Agriculture

Another extraordinary manifestation of the general economic chaos developed in the summer of 1931, when a clamor arose throughout the State for a special session of the Legislature to enact a law restricting cotton acreage, as a means of strengthening and stabilizing the prostrate cotton market. Mass meetings of farmers were held throughout Texas, and the Executive Office was flooded with petitions, letters, telegrams, telephone calls, and personal callers, demanding an immediate extra session.

In deference to this popular desire, and upon assurances of support from enough of the lawmakers to pass a cotton control bill and put it into immediate effect, I called a Session, and a law was enacted, designed to reduce cotton acreage 50 per cent. Subsequently, this law was tested in court and held to be invalid. At the time of its passage I publicly expressed doubt that it would have much direct effect upon the price of cotton, but thought it would have a worth while persua-

sive influence upon the farmers in the way of encouraging diversification—raising the food and feed to enable them to “live at home.” Despite the legal failure of the Act, I believe it has proved worth its cost in the manner mentioned, and by reason of having encouraged a substantial percentage of voluntary acreage reduction.

Other Legislation

Among the other noteworthy products of the Forty-second Legislature and this Administration may be mentioned:

Measures to promote soil conservations and prevention of erosion, which will save Texas farmers millions of dollars in soil preservation.

Constitutional amendments exempting homesteads up to the assessed value of \$3,000 from all taxes for State purposes; combining the offices of tax collector and assessor; and others.

The Act creating the State Child Welfare Bureau, which affords means of guiding unfortunate children into useful lives, finding good homes for the homeless, and saving the State the expense of their care.

The two Acts regulating the operation of commercial motor trucks and busses upon the highways.

The Act providing a Budget System for State and local governments.

The cigarette tax and increased sulphur tax.

Minimum wage scale for State Highway workers.

Laws permitting split tax payments, and releasing interest and penalties due on delinquent taxes.

Emergency legislation making funds of the Reconstruction Finance Corporation available to home owners, improvement districts, and others.

The \$5,000,000 rural aid appropriation.

In addition, numerous laws were passed improving court procedure and effecting various needed reforms in the civil and penal codes.

Taxation

There has been much talk and clamor of the State deficit. But, after all, Texas stands high among the States in point of financial condition. Compared to the bonded debts of many others, which cannot be reduced

or payments deferred, a small deficit is of minor consequence.

Moreover, it is to be borne in mind that State taxes form the lightest part of the people's burden. It is the load of local imposts that weigh them down. This is said merely as a reminder, and not as an argument for any addition to the State tax demand, for it already is heavier than it need be. The budget should be balanced by a reduction of State expenditures, rather than an increase of revenues. By wise and courageous retrenchment, the cost of State Government can be lowered materially without crippling its functions.

At the same time, while opposing any substantial increase in the tax burden, I believe that the present load can be much more equitably distributed so that it will be infinitely easier on the majority of the people, through a revision of the system of taxation.

Taxation of homes, farms, ranches, and other property should be discontinued for State purposes. It violates the constitutional mandate that taxes shall be equal and uniform. With a separate board of equalization in each of the 254 counties, valuations for tax purposes vary all the way from 25 per cent up to 90 per cent of the true value of the property. Thus some counties contribute more than their share toward the support of the State Government, while others give less than their share. Such inequality is unjustifiable. Moreover, it is grossly unfair to saddle the bulk of taxation upon those whose assets happen to be in physical property, while others, more able to pay, are exempt from taxation.

The ad valorem tax is the most suitable and feasible method for local purposes. It should be continued as a local tax; but the State should turn to other sources.

I have given considerable study to this subject, and have inquired into the experiences of other States in coping with their fiscal difficulties. Some have adopted the income tax and found it fair and equitable. In others, the consumer's sales tax has proved successful. I doubt that either method would fully supplant the State ad valorem tax in Texas, unless the rate were made unreasonably high.

It occurs to me that a well-balanced plan for this State, if it could be worked out practicably, would be a combination system of property taxes for local governments and both a sales tax and an income tax for State purposes, each made only high enough to raise the funds necessary for a frugal administration. The ad valorem levy would make sure that the property owners pay their just share of the cost of local government, according to the will of the locality in which they live. The sales tax would compel all people to contribute their bit toward the maintenance of the State Government, according to the amount of life's necessities and luxuries they purchase, and as they purchase them. The income tax, scaled so that it would not place an undue burden upon the person of small means who would also have to pay the sales tax, would equalize the load of those with larger incomes, whose consumption of the things subject to the sales tax is not nearly so much greater than that of the "little man" as is their wealth and ability to pay. The income tax would reach many who now practically escape taxation, though their resources are greater than those of property owners who now bear the main burden of the cost of government.

The State of Mississippi presents a notable instance of recent tax reform and economy. In 1930, that State was staggering under a system whereby real and personal property, owned by 15 per cent of the people, was paying more than 75 per cent of the total State, municipal, county, levee, and drainage taxes. Just a year ago, the Mississippi Legislature met, facing an enormous State deficit. The State Government was virtually bankrupt.

"Institutions, officers, and employes have exhausted their credit," Governor Sennett Conner told the law-making assembly. "The State daily is being penalized on purchases of materials and supplies because there are no funds available to pay for same and nobody knows when these obligations will be discharged. In some instances those who have furnished the necessities of life to unfortunate inmates of state institutions have served notice in writing on the governor of this state that they cannot continue to furnish these supplies without definite assurance of

payment by the state of its obligations. Pitiful appeals are coming to my office almost daily from Confederate pensioners, school teachers, and others who are suffering and in need because of the state's failure to pay its debts. The deficit is growing larger and the situation more critical with every succeeding day."

Despite the fact that 21 per cent of the total State appropriations went to the payment of interest and principal of maturing bonds, and were not subject to reduction, the Mississippi Legislature reduced the appropriations by 33½ per cent. At the same Session a general sales tax, urged by the Governor, was finally passed over an aggressive, organized state-wide opposition, more or less as an experiment. It became known as the "Emergency Revenue Act of 1932."

Levies averaging 2 per cent were made upon the sales of various products and commodities of businesses and industries, with a \$1,200 gross exemption, and deductions for actual freight charges. Violators of the sales tax law, under its terms, were made liable to criminal prosecution as well as civil action.

The results of Mississippi's experiment with the sales tax, and its reduction of expenditures, were summed up by Governor Conner a few months later, in part as follows:

"The budget of the Mississippi State Government for the current biennium has been balanced actually and safely. If present economic conditions continue without change, either for better or worse, our current revenues will exceed our current expenditures for this two-year period by a figure that may run as high as \$2,000,000."

"We increased the State's income approximately 25 per cent by levying a two per cent retail sales, or consumers' tax, which gives the widest possible tax base. The distribution of the burden of this tax applies not only to the number paying it, which will include all people, but to the load of the tax upon each individual, since the burden is not allowed to accumulate as is the case with the property taxes, but is paid day by day so that the citizen is never in debt to the government, his payments being made in such small

amounts as never to become burdensome or unbearable. Up to this time our average citizen has paid .0889 cents sales tax per month, which, it must be confessed, is no great burden to any one. Our State property tax has been reduced more than 20 per cent, and further reductions are expected.

"Receipts from the sales tax have exceeded budget estimates, and there remains no doubt that this tax has met the immediate emergency for which it was adopted. Its success as a fixture in our revenue system will depend largely upon an intelligent administration and the co-operation and good will of the people. . . . Although the tax was levied over the most aggressive opposition of certain interests, today it is perhaps the most popular form of taxation in Mississippi, and we hope it may ultimately work a complete reformation of our tax system."

The 33½ per cent retrenchment, Governor Conner stated, was accomplished without discontinuing or seriously impairing any necessary governmental functions or services. "It was made possible," he said, "because the Legislature, acceding to the request of the Governor, reversed the usual legislative procedure, which had obtained in our State during the past hundred years, of first voting appropriations and then considering ways and means of providing the revenues."

I submit that the Texas Legislature must needs make a similar reversal of the traditional practice, which unfortunately is not confined to Mississippi, if our appropriations are to be brought and kept within the State's income.

As for the sales tax, I am firmly convinced that this offers a fair means of equalizing of this State's sore tax burden, and balancing the budget. The Government of Mississippi has boldly blazed a trail through the wilderness, which the Government of Texas might safely follow to stability. I hope that this Legislature will study the plan thoroughly.

Board of Education

The State Board of Education has completed an exhaustive study of State educational affairs, and has rendered a carefully considered report,

presenting its findings and recommendations especially as to the financial outlook of the public schools and institutions of higher learning. This report is highly significant, as reflecting the financial condition of our educational system, and suggesting remedial economy measures.

You will receive the Board's report, and should find it very illuminating in your deliberations upon this problem. I believe it points the way toward the intelligent adjustment of our educational finances, and urge your careful study of it.

Reconstruction Finance Corporation

Unemployment relief to the extent of several millions of dollars has been allotted to communities of Texas during the past several months, by the Reconstruction Finance Corporation. This relief has been distributed through the Chief Executive, who has been assisted by the managers of the three regional chambers of commerce, and by local relief councils, community chests, chambers of commerce, and other civic organizations. These forces have rendered a splendid service in the preparation of the voluminous application papers, in the distribution of the funds, and in other work incident to the endeavor. Without their patriotic co-operation, the accomplishments that have been realized in relieving the destitute would have been impossible. The Reconstruction Finance Corporation is due the thanks of this State for its kindly helpfulness in making available and expediting this relief.

County Consolidations

In seeking ways of retrenching and economizing, the Legislature might well consider the consolidation of some of the 254 counties of this State. Modern progress has removed the need of so many sub-divisions of government. A large unnecessary expense could be eliminated by a reduction of the number, and at the same time, the efficiency of government could be improved. Proof of these facts has been conclusively demonstrated by other progressive states that have effected such consolidations in recent years and found the change highly satisfactory. The time has come when Texas should take similar action.

As most of you probably know, the reason for the original parceling of Texas into this multiplicity of counties was the lack of communication facilities. In those early days 30 miles was a good day's journey with horse and buggy or wagon, the best transportation then available, and the counties were made small so that citizens would not have to spend an unreasonable period of time traveling to and from the county seat to transact their governmental business. That was the only valid reason for cutting the State into such a maze of counties, and that reason has long since been removed by improvements of the motor age, whereby one can travel in an hour the distance which once required a full day. Moreover, much of the business that once necessitated personal visits to the court house can now be transacted in a few moments by telephone.

It is my understanding that legislation will be initiated at this session, providing a program of county mergers. I commend this matter to your careful consideration, as offering a means whereby the cost of government may be substantially reduced and its efficiency increased. In numerous instances, counties were made even smaller than was justified by the difficulties of early transportation; some of them are only a third or fourth as large as the average sized county; yet each one requires a full set of county officials and employes, and all the expense of a county government. These little counties should by all means be merged with others, at the earliest possible time.

In this connection, the Legislature should give serious thought to a legislative program that would authorize a large city to consolidate its government with that of the surrounding county, by separate vote of the people of both the city and the county. In some instances the population and wealth of the city is as much as 85 per cent or 90 per cent of the entire county's, and it is believed that much duplication of effort and expense could be eliminated without any harmful effects, by the combining of their governments under some plan that would properly safeguard the interests of all concerned.

Election Laws

Most of you doubtless realize the need of reforms to strengthen our

election laws. It has been demonstrated that the legal safeguards of our system of selecting public servants are not adequate to prevent miscarriage of the popular will. If the majority of the sovereign people are to rule, we must provide stricter regulation of the voter's qualifications, and a closer supervision of the election processes. If elections are to be left liable to determination by organized fraud, then suffrage is a mockery and democracy a tragic joke.

The absentee voting law is particularly subject to abuse. It should promptly be amended, so as to permit balloting in any box only by those honestly entitled to vote there. Another evil in our system is that which allows people from other states to vote in Texas without conforming to the same residence requirements that are prescribed for Texas citizens.

Passage of a law requiring all prospective voters to register within a proper time in advance of elections has been urged as a means of insuring the casting of only legal votes. By this method, as practiced in other States that have adopted it successfully, when a person presents himself to vote, his name is checked against the list of registered voters for the precinct, and he permitted to vote only if his name appears in the list. I commend this plan to your consideration.

In the last analysis, regularity in elections is largely a matter of law enforcement. If all the laws now on the statute books were carried out in letter and in spirit, there would be far fewer votes wrongfully cast and counted. But we know that lax enforcement of any law is a problem most difficult to reach, especially in a case of this sort. So long as we have a system with so many defects and weaknesses, spread out over so large a State and administered by thousands of people recruited from private life for the temporary work of election day in every village, town, and city, we can hardly hope for complete purity of the ballot.

There is one means of entirely eliminating the possibility of fraud or irregularity in handling the ballots after they are cast. That is by use of the automatic voting machine. With this instrument the voter simply turns in indicator to the desired candidate or ticket, and when he opens the curtain to leave the machine his

vote is indelibly registered. After the balloting is finished, the votes are automatically tabulated and counted, as by a calculating machine, so that the results cannot be altered. There is no possibility of the voter's losing his vote on the machine. Within an hour any precinct thus can make complete returns.

Numerous progressive cities, counties, and States throughout the country have adopted the voting machine and found it highly satisfactory in simplifying and speeding elections, and doing away with fraud and error. I am informed that one-fifth of the votes in the national election of last November were cast on them.

The only argument that can be advanced against the voting machine is that it is expensive. However, experience has demonstrated that in a comparatively few years the instrument pays for itself in savings on clerical hire, supplies, etc. Thirty-two representative cities, recently queried, gave from three to ten years as the time necessary for a machine to pay itself out.

Eventually I believe we shall come to the voting machine, and so the longer we delay, the longer we will deprive ourselves of its benefits. I suggest that the Legislature, while studying the problem of election reforms, inquire into the merits of this mechanism, and into the feasibility of its early introduction into Texas elections.

Increased Terms of Office

By every principle of good government, the Chief Executive of the State should be elected for four years instead of two. No matter how capable and adaptable a newly elected Governor may be, it requires months for him to gain the knowledge of his office that is necessary for full efficiency. And then, he works at this full efficiency scarcely more than a year before he is subject to the harassing political demands of a campaign for re-election. Thus he is compelled to neglect his duties for a considerable length of time, at an expense which he can ill afford if he be a man of modest private means. And often the heat of the political struggle breeds acrimony and friction which disturbs the public mind and the government for prolonged periods, hampering and disrupting the admin-

istration. With a four-year term, he could apply his full time to constructive service of the State, without any of the distraction and political buffeting that now beset him.

I urge that you adopt a joint resolution submitting a constitutional amendment to increase the length of the Governor's term of office to four years.

For the same reasons, I suggest an amendment increasing the term of State Representatives to four years. A Member of the House hardly has time to familiarize himself with the processes of government before the Regular Session expires, and after that, unless extra sessions are called, his opportunity for service is ended. Likewise Senators' terms should be extended from four to six years.

Indeed, it would be immensely beneficial to the State and its people to lengthen the terms of all State, district and county offices to four years, so that the people would be spared the irritation and expense of biennial elections, and the offices themselves would be spared the ills of neglect and the chaos of frequently changing administrations.

Highway Department

During my Administration, the State Highway Department has continued the program of good roads development, begun when the present Administration took office in 1927. I go back that far because I feel, with a sense of pride, as though my Administration extended over that entire period, the first four years of which I served as Chairman of the Highway Commission, and the last two of which I have continued my deep interest in the work and the program which I participated in launching.

Within the span of that six-year period, Texas has been lifted out of the mud; virtually every important route of travel in the State has been linked up with permanent paving or at least all-weather surfacing, so that the motorist can get to nearly any part of the State on a hard-surfaced road. This is a remarkable achievement, considering the vast mileage of the Texas Highway System, comprising more than 18,000 miles of designated roads. The members of the Highway Commission and all the

forces of the Department are due great credit for their splendid work.

With the aid of emergency Federal appropriations, added to the regular allotments and county funds, the Highway Department has been able to accomplish even more than usual progress in the midst of the depression, and to give employment to more than the ordinary number of persons. However, the Department's resources will be much less henceforth, due to the fact that the State will have to be repaying some of the extra Federal Aid instead of receiving more, and because instead of receiving county aid it will be applying one-fourth of the gasoline tax revenues to the payment of outstanding county bonds which were voted and sold to finance State highway construction. These losses will greatly slacken the progress of State highway building, and diminish the volume of employment and payrolls now afforded by road work.

In view of these facts, and the fact that the majority of Texas highway mileage yet lacks permanent improvement, and the fact that State growth is dependent to a great extent upon good roads, I feel confident that this Legislature will fully appreciate the necessity of guarding against the further retarding of highway development.

Live Stock Sanitary Commission

One of the most efficiently and economically conducted agencies of the State Government during this Administration has been the Live Stock Sanitary Commission. While its appropriation was materially reduced by the last Legislature, this Commission has accomplished more than was ever done before in a similar period, in the way of tick eradication. It has also done much to prevent and control diseases of live stock, and to rid the State of predatory animals.

In 1931-32, there were 32,572,721 cattle dipped and inspected, as against 17,251,811 for 1929-30. A total of 26 counties were cleaned, made ready for release, and released from quarantine during 1931-32, as compared to 13½ counties for the preceding biennium.

At the rate of progress it has set, the Commission calculates that it can entirely finish the gigantic task of

clearing the State of fever ticks by the latter part of 1934, there being only 13½ small counties in East Texas, all in one block, yet to be worked. With the job this near completion, I trust that the Legislature will give the Commission all support necessary to wind it up as quickly as possible.

When that is accomplished, our chief danger of infestation will be from across the Sabine and Rio Grande Rivers. If Louisiana does not soon "clean up," it may be advisable to fence the Sabine against cattle coming from that State.

Already a movement has been started looking to the fencing of the Texas side of the Rio Grande against Mexican cattle. I believe it would be economy for the State Government to join with the Federal Government and the border landowners in running a fence along this river. It would not only prevent tick infestation, but would reduce smuggling and thus decrease the number of border patrolmen needed.

Adjutant General's Department

Under this Administration, the State was spared the disgraceful spectacle of a lynching for a longer period of time than ever before, as far as is known. For this fact the Adjutant General is due credit, for his promptness and effectiveness in anticipating and forestalling trouble by placing Rangers in localities where such trouble was threatened. Every activity of the Adjutant General's Department has been carried on efficiently and economically.

Game, Fish, and Oyster Commission

Six years ago, the Game, Fish, and Oyster Commission began a program of conservation which has increased the supply of game to the greatest degree it has ever attained since the encroachment of civilization seriously threatened its extinction. Practically unrestricted hunting had been moving swiftly toward the extermination of game animals and birds in the State; another generation or so would have been deprived of the wholesome sports of field and wood, and of seeing the wild life in its native element.

Important work also has been done toward preserving and replenishing

the fish of the tidal waters and fresh waters, oysters, and migratory water fowl.

The expenses of administering the Game, Fish, and Oyster Department are defrayed from revenues derived from the sale of licenses, fish taxes, fines, boat registrations, and royalties on sand and gravel taken from water beds.

The Commission deserves commendation for its good work. I hope it will be continued.

Bureau of Labor Statistics

The Bureau of Labor Statistics during the biennium demonstrated its usefulness to the working people of all classes. To alleviate the distress and suffering resultant from the depression, the Governor's Committee for the Relief of Unemployment was created and the labor commissioner was designated as secretary. This added considerably to the Bureau's duties. Hundreds of laboring people, who never before had found it necessary to ask the Department's assistance, sought and received aid and advice.

During the biennium, the Bureau handled 2,142 wage claims, on which \$180,404 of past due wages were collected, the greatest amount ever recovered in a like period.

Through the joint efforts of the Bureau of Labor Statistics and the United States Farm Labor Service, 514,675 cotton pickers were placed in temporary employment during the last two seasons, and 23,264 cotton choppers were directed to farmers; all at an estimated saving to them of \$500,000 in placement fees.

Other activities carried forward by the Bureau include enforcement of the Child Labor Act, the Nine-Fifty-four Hour Law for women, the Health, Safety, and Comfort Law, and others designed to safeguard the interests of working people.

Other Agencies of Government

All departments and agencies of government for which the Chief Executive is responsible have functioned

efficiently and progressively during my Administration. The State Auditor and Efficiency Expert has done much in clarifying and simplifying the keeping of books and records in various departments; has audited their accounts and presented reports containing valuable information regarding the activities of government which never before was available; and has suggested plans and methods of improved practices which point the way to a more efficient, economical, and business-like operation. The Secretary of State has ably discharged the duties of that Department; so have the Banking Commissioner, the Board of Insurance Commissioners, the Health Department, the Industrial Accident Board, the Board of Water Engineers, the Tax Commissioner, the Reclamation Engineer, and other appointive agencies.

Conclusion

My final word is a wish—nay, a prayer—for the welfare of the State which I have been privileged to serve as Governor; the State in which I was born and have lived my life. Although my service was rendered during the most critical period of the State's modern history, it has been rewarded by the deep satisfaction of accomplishment. I shall retire secure in the consciousness of having done my best for Texas, and with no regret save that I could not do more.

I have enjoyed the association of all those who have worked with me and about me, and appreciate the cooperation they have given me. I am deeply grateful for the loyalty and confidence of all my friends throughout the State.

It is my most sincere hope that this Legislature will be able to surmount all the difficulties that beset its path; that the Government of Texas may preserve its stability, and that all the people of this great State will soon emerge from the shadows of depression into the sunshine of happiness and prosperity.

Respectfully submitted,

R. S. STERLING,
Governor.

Article IV, Section 9, of the Constitution, provides, in part, that "at the commencement of each Regular Session," the Governor "shall present estimates of the amount of money required to be raised by taxation for all purposes."

Under the provisions of the Uniform Budget Law, Acts 1931, Forty-second Legislature, Regular Session, Chapter 206, page 339, the State Auditor is required to compile a statement of the condition of the various funds at the close of the preceding fiscal year, and "an estimate of the maximum amount of revenue which may become available for appropriation by the Legislature during the ensuing biennium for which appropriations are to be made . . ." and the Governor and the Board of Control are required to submit a budget to the Legislature.

The figures relative to the General Revenue Fund compiled under the provisions of this Act are summarized in the following quotation from the State Auditor's report.

General Revenue Fund

As used in this report, "balance or deficit" means, not the cash balance or deficit as disclosed by the books of the Comptroller and the Treasurer, but the actual deficit as at any particular date after taking into consideration contracts or commitments for purchases or services made as at that date, but remaining unpaid.

Fiscal Year Ended August 31, 1932

The deficit at the beginning of the fiscal year was.....	\$4,545,360.50
The improvement in the condition of the General Revenue Fund during the year amounted to.....	1,370,953.74

The deficit at August 31, 1932, was.....	<u>\$3,174,406.76</u>
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For further information relating to the transactions affecting the General Revenue Fund for 1932, reference is made to Schedule 1.

Fiscal Year Ending August 31, 1933

Based only on amounts expected to be expended out of appropriations in effect as at August 31, 1932, the deficit at August 31, 1933, is expected to be \$2,854,171.33. It is expected, however, that the Regular Session of the Forty-third Legislature will make appropriations to cover its own expenses, the Governor's deficiencies, and the Comptroller's judiciary deficiencies. After these appropriations are made, the deficit as at August 31, 1933, is expected to be \$3,763,600.65.

The method of computing the foregoing figures is shown as follows:

Revenues to be collected for the year ending August 31, 1933, are estimated at.....	\$22,647,185.05
Appropriations for the year, including specific appropriations, amounts subject to transfer from the previous year's appropriations, and the estimated amounts of revenues appropriated to be used as collected, aggregate	\$24,109,330.81
Of this amount, there is expected to be lapsed (not spent)	1,782,381.19
Leaving to be paid out of the appropriations	<u>22,326,949.62</u>
The improvement in the financial position during this year being.....	320,235.43
The deficit at the beginning of the year being	<u>3,174,406.76</u>

The deficit at the end of the year, based on appropriations now in effect, is expected to be \$ 2,854,171.33

Appropriations now in effect, however, do not include:

Estimated cost of the Legislature to meet in January, 1933	\$ 500,000.00	
Governor's deficiencies, for which appropriations have not yet been made.....	200,000.00	
Comptroller's judiciary deficiencies for which appropriations have not yet been made..	209,429.32	909,429.32

After appropriations are made for the expenses of the Regular Session of the Legislature, the Governor's deficiencies, and the Comptroller's judiciary deficiencies, the deficit as at August 31, 1933, is estimated to be \$3,763,600.65

Fiscal Year Ending August 31, 1934

The revenues for the year 1934, under the laws in effect at October 1, 1932, are estimated at \$25,108,200. If the constitutional amendment for the homestead exemption had failed to carry, the estimated amount of revenues available for specific appropriations, other than for interest on public debt and expenses of the Legislature, would have been \$19,674,662.96. It is believed that the loss to the General Revenue Fund on account of the homestead exemption amendment will be \$3,000,000, for the fiscal year 1934 and the remainder of revenues subject to specific appropriations for the maintenance of the State departments and institutions will be only \$16,674,662.96.

The method of determining the amounts subject to specific appropriations is outlined as follows:

Revenues for the year 1934, under the laws existing at October 1, 1932, are estimated at	\$25,108,200.00
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The foregoing amount, however, will not be available in full to be appropriated in specific amounts for the support and maintenance of the various departments and institutions of the government. There must be deducted the following amounts:

Deficit as at August 31, 1933.....	\$ 3,763,600.65
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Balances included as amounts to lapse as at August 31, 1933, that probably will be re-appropriated by the Legislature for the use of the departments and institutions collecting the funds, to be treated in the same manner as appropriated revenues	204,872.39
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Amounts included in revenues above expected to be appropriated to the departments and institutions collecting the fees or other funds, for use as collected.....	\$ 887,100.00
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Interest on the State debt, to be due as at August 31, 1933 (\$495,273 less amounts due to certain funds ordinarily transferred back to the General Revenue Fund, \$43,050)....	452,223.00
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Annual interest on the State debt. (\$140,091 less amounts due to certain funds ordinarily transferred back to the General Revenue Fund, \$14,350)	125,741.00
Total deductions.....	<u>\$5,433,537.04</u>
Amount that would have been subject to specific appropriations, other than for interest on the public debt and expenses of the Legislature, if the constitutional amendment for the homestead exemption had failed to carry	\$19,674,662.96
Since the homestead exemption amendment carried, it is estimated that the loss of ad valorem tax collections to the General Revenue Fund for the year 1934 will be...	<u>3,000,000.00</u>
The amount subject to specific appropriation, other than for interest on the public debt and expenses of the Legislature (for maintenance of the State departments and institutions) is estimated at.....	<u>\$16,674,662.96</u>

Fiscal Year Ending August 31, 1935

The revenues for the year 1935, under the laws in effect at October 1, 1932, are estimated at \$25,165,700. If the constitutional amendment for the homestead exemption had failed to carry, the estimated amount of revenues available for specific appropriations, other than for interest on public debt and expenses of the Legislature, would have been \$23,629,659. It is believed that the loss to the General Revenue Fund on account of the homestead exemption amendment will be \$3,000,000 for the fiscal year 1935; and the remainder of revenue subject to specific appropriations for the maintenance of the State departments and institutions will be \$20,629,659.

The method of estimating the amounts subject to specific appropriations is outlined as follows:

The revenues for the year 1935, under the laws existing at October 1, 1932, are estimated at	\$25,165,700.00
The foregoing amount, however, will not be available in full to be appropriated in specific amounts for the support and maintenance of the various departments and institutions of the government. There must be deducted the following amounts:	
Estimated expenses per diem, and mileage of the Forty-fourth Legislature	\$ 500,000.00
Amounts included in revenues above expected to be appropriated to the departments and institutions collecting the fees or other funds for use as collected.....	910,300.00
Annual interest on the State debt, (\$140,091 less amounts due to certain funds ordinarily transferred back to the General Revenue Fund, \$14,350)	125,741.00
Total deductions.....	<u>\$1,536,041.00</u>

Amount that would have been subject to specific appropriations, other than for interest the public debt and expenses of the Legislature, if the constitutional amendment for the homestead exemption had failed to carry \$23,629,659.00

Since the homestead exemption amendment carried, it is estimated that the loss of ad valorem tax collections to the General Revenue Fund for the year 1935 will be.... 3,000,000.00

The amount subject to specific appropriation, other than for interest on the public debt and expenses of the Legislature (for maintenance of the State departments and institutions) is estimated at..... \$20,629,659.00

It will be noted from the foregoing statements that the total of the estimated available revenues, based on a 35-cent tax rate, for the years 1934 and 1935, is \$37,304,321.96.

The Board of Control, with the advice and counsel of the Governor, have so reduced the budget recommendations that it is estimated that if the appropriations passed by the Regular Session of the Forty-third Legislature do not exceed these recommendations, there will be a net balance in the Treasury at September 1, 1935, amounting to \$90,251.97.

Available School Fund

The following is quoted from the State Auditor's report on the Available School Fund:

As used in the State Auditor's reports on revenue estimates, "balance or deficit" means not the cash balance or deficit as disclosed by the books of the Comptroller and of the Treasurer, but the deficit as at any particular date after taking into consideration liabilities remaining unpaid.

In the financial statements which follow, the unpaid per capita apportionment of \$3.50 at August 31, 1932, and the per capita of \$3.67 expected to be unpaid at the end of 1933, are treated as liabilities. On this basis of computation there was a deficit of \$4,807,460.42 at August 31, 1932, and there is expected to be a deficit of \$5,740,861.03 as at August 31, 1933. The deficit at the end of 1933 will be due largely to the action of the State Board of Education in apportioning \$16 per capita for the year with only \$13 of revenues available, according to the Comptroller's estimates, after paying the unpaid per capita of \$3.50 for 1932.

Although the State Auditor questions the power of the State Board of Education to obligate the State through the Available School Fund for an amount greater than that which the Comptroller's estimate reasonably indicates will be available, and also questions the propriety of treating the unpaid portion of the per capita apportionment as a liability at the close of the fiscal year, it is considered proper in this report to state the financial position of the Available School Fund according to the practice of the State Board of Education.

The financial condition of the Available School Fund as at August 31, 1932, the estimated condition as at August 31, 1933, and the estimated funds available in 1934 and 1935 for textbooks and the per capita apportionment, are disclosed in the statements which immediately follow.

Fiscal Year Ended August 31, 1932

The cash balance in the fund, according to the books of the Comptroller, as at August 31, 1932, was .. \$ 921,764.02

The liability for textbooks purchased but not paid for at that date was..... \$ 242,260.44

The apportionment made by the Board for the year, based on the scholastic census of 1,567,704 was \$17.50 per capita. Of this amount, only \$14 was paid, leaving \$3.50 per capita, which, according to the practice of the State Board of Education, is considered a liability against the fund. The unpaid per capita apportionment of \$3.50 amounted to	5,486,964.00
On this basis, the total liabilities against the fund amounted to	5,729,224.44
And the deficit in the fund at August 31, 1932, was	\$4,807,460.42

Fiscal Year Ending August 31, 1933

Revenues for 1933 are estimated at	\$25,522,515.00
Out of this amount there has been set aside as a budget for the purchase of textbooks	1,401,051.61
The remainder of the revenues being \$15.40 per capita, or	24,121,463.39
The deficit at the beginning of the year, based on the practice of the Board, was	4,807,460.42
This left available for apportionment to the schools, based on the present year's census of 1,565,929, \$12.33 per capita, or an amount of	19,314,002.97
The State Board of Education, however, has apportioned \$16 per capita, or	25,054,864.00
Thus, if the apportionment to remain unpaid as at August 31, 1933, is considered a liability against the fund, the deficit at that date will be \$3.67 per capita, or an amount of	\$5,740,861.03

Fiscal Year Ending August 31, 1934

Revenues for the year 1934, under the laws in effect at October 1, 1932, are estimated at	\$25,677,605.00
It is believed, however, that the passage of the constitutional amendment for homestead exemptions will deprive this fund of	3,000,000.00
Leaving the revenues to be received by the fund at	22,677,605.00
The Department of Education estimates that the cost of textbooks for 1934 will be	1,800,000.00
Thus, before allowing for the deficit inherited from the previous year, there is left \$13.33 per capita available for apportionment, amounting to	20,877,605.00
The deficit at the end of the preceding year, however, was shown as \$3.67 per capita, or	5,740,861.03
So that if the entire deficit is absorbed in the fiscal year 1934, the amount for apportionment will be only \$9.67 per capita, or	\$15,136,743.97

Fiscal Year Ending August 31, 1935

Revenues for the year 1935, under the laws in effect at October 1, 1932, are estimated at.....\$25,499,705.00

It is believed, however, that the adoption of the constitutional amendment for homestead exemptions will deprive this fund of 3,000,000.00

Leaving the revenues actually to be received by the fund at..\$22,499,705.00

The Department of Education estimates that the cost of textbooks for 1935 will be 1,800,000.00

So that there will be available for apportionment for 1935 an amount of \$13.22 per capita, or.....\$20,699,705.00

Pension Fund—Fiscal Year Ending August 31, 1933

The State Auditor's report on the Pension Fund has not yet been published, but figures to be used in that report have been obtained from the State Auditor, and are summarized in the paragraphs immediately following.

Due to the fact that the law now specifies amounts to be paid to pensioners, instead of providing that the funds on hand shall be pro rated, there is a deficit in the Pension Fund which has generally been increasing since 1925, and under present conditions will increase through 1934 and 1935.

The deficit in the Pension Fund as at August 31, 1932, was.. \$2,825,881.46

Under the present statutes, it is estimated that the expenditures for pensions in 1933 will be approximately..... \$3,388,900.00

The revenues for 1933 are estimated at..... 2,195,125.00

The excess of estimated disbursements over estimated revenues is 1,193,775.00

So that the deficit as at August 31, 1933, is expected to be \$4,019,656.46

Fiscal Year Ending August 31, 1934

Expenditures for pensions for the year 1934, under present laws, are estimated to be.... \$3,182,500.00

Revenues for the year 1934, under laws existing at October 1, 1932, are estimated at.... \$2,233,250.00

It is estimated that the loss to the Pension Fund for the year 1934 on account of the passage of the homestead exemption amendment will be 600,000.00

So that the revenue actually to be received will be 1,633,250.00

And the excess of disbursements over receipts will be 1,549,250.00

The deficit at the beginning of this fiscal year is estimated at 4,019,656.46

Making the deficit at the end of the year..... \$5,568,906.46

Fiscal Year Ending August 31, 1935

Expenditures for pensions for the year 1935, under present laws, are estimated to be....	\$2,960,730.00
Revenues for the year 1935, under laws existing at October 1, 1932, are estimated at....	\$2,233,250.00
It is estimated that the loss to the Pension Fund for the year 1935 on account of the passage of the homestead exemption amendment will be	600,000.00
So that the revenue actually to be received will be	1,633,250.00
And the excess of disbursements over receipts will be	1,327,480.00
The deficit at the beginning of this fiscal year is estimated at	5,568,906.46
Making the deficit at the end of the year.....	\$6,896,386.46

Comment on Situation

The State Government is faced with the question of whether or not it will live within its income, and with the question as to whether it will increase the levies of taxes upon its citizens or will balance the budget in the General Revenue Fund, the Available School Fund and the Pension Fund by reducing expenditures to meet the reduced income. These questions are passed to the Forty-third Legislature and the incoming Executive Administration for decision.

Appropriations Governor's Office and Governor's Mansion

Fiscal Year September 1, 1930-August 31, 1931

Fund	Appropriation	Amount expended to Jan. 19, 1931, (beginning Sterling Admin.)	Amount expended up to date, Sterling Admin.	Balance
Office.				
Salary—				
Governor.....	\$ 4,000.00	\$ 1,537.61	\$ 2,462.39	
Lieut. Gov. while acting Gov.	500.00			\$ 500.00
Secretary to Governor	3,600.00	1,383.85	2,216.15	
Two assistant secretaries	1,800.00	1,845.14	2,954.86	
Porter and files	1,320.00	507.36	812.64	
Two stenographers	3,600.00	922.57	2,386.45	290.98
Porter, joint, etc.	720.00	276.75	443.25	
Books and stationery	900.00	81.03	686.23	132.74
Freight and postage	810.00	200.74	300.00	309.26
Ice	32.40	5.41	15.89	11.10
Rewards, etc.	9,000.00	701.48	3,296.18	5,002.34
Traveling expenses of Governor ..	675.00		84.43	590.57
Mansion.				
Maintenance Mansion and Grounds*	\$ 2,250.00	\$ 417.34	\$ 1,679.08	\$ 453.58
	(sup. trans. \$300 from fuel, light, etc., fund) making total appropriation \$2,550.00			
Labor and employes, Mansion ..	1,800.00	775.42	993.34	30.66
Fuel, light, ice, telephone, water, Mansion*	1,800.00			
	(\$300 trans. to maintenance)	476.35	929.05	94.60

*Transfer mentioned authorized under provisions of appropriation bill.

Appropriations Governor's Office and Governor's Mansion
Fiscal Year September 1, 1931-August 31, 1932

Fund	Amount appropriated Fiscal Year Sept. 1, 1931, August 31, 1932	Amount expended up to date	Balance
Office			
Salary—			
Governor.....	\$ 4,000.00	\$ 4,000.00	
Lieut. Gov. while acting Governor.....	500.00		\$ 500.00
Secretary to Governor.....	3,600.00	3,600.00	
Two assistant secretaries.....	5,400.00	5,275.00	125.00
Two stenographers.....	3,900.00	3,900.00	
Porter and files.....	1,320.00	1,320.00	
Porter, joint use, etc.....	720.00	720.00	
Books and stationery†.....	900.00 (\$650.00 transferred to reward, etc., fund) end of fiscal year)	175.91	74.09
Freight and postage†.....	810.00 (\$300.00 trans. to reward fund end fiscal year)	501.65	8.35
Ice.....	30.00	29.04	9.96
Payment of rewards, telephone and telegraph, etc.....	9,000.00 (\$650.00, \$300.00 and \$550.00 transf. to this fund as itemized herein making total amount fund (\$10,500.00)	9,669.62	830.38
Traveling expenses of Gov.† and Lieut. Gov. serving as Governor.....	675.00 (\$550.00 transf. to reward etc., fund as above)	26.64	98.36
Mansion.			
Maintenance of Mansion and grounds.....	\$ 2,500.00	\$ 536.03	\$ 1,963.97
Mansion, repairs, furniture, rugs, draperies, etc.....	7,300.00 (this fund expended by Bd. Mansion Supervisors)	7,190.12	109.88
Labor and employes for Mansion.....	2,000.00	1,846.07	153.93
Fuel, lights, ice, telephone, water.....	1,800.00	1,059.17	740.83

Fiscal Year September 1, 1932-August 31, 1933

Fund	Amount Appropriated Fiscal Year Sept. 1, 1932, Aug. 31, 1933	Amount expended up to Jan. 7, 1933	Balance Jan. 7, 1933
Office.			
Salary—			
Governor.....	\$ 4,000.00	\$ 1,333.32	\$ 2,666.68
Lieut. Governor while acting as Governor..	500.00		500.00
Secretary to Governor.....	3,600.00	1,200.00	2,400.00
Two assistant secretaries.....	5,400.00	1,750.00	3,650.00
Two stenographers.....	3,900.00	1,300.00	2,600.00
Porter and files.....	1,320.00	440.00	880.00
Porter, etc.....	720.00	240.00	480.00
Books and stationery.....	900.00	149.12	750.88
Freight and postage.....	810.00	301.05	508.95
Ice.....	30.00	4.55	25.45
Payment rewards, etc., telephone and telegraph	9,000.00	2,693.44	6,306.56
Traveling expenses of Governor, etc., and Lieut. Gov. serving as Governor.....	675.00		675.00
Mansion.			
Maintenance Mansion and grounds.....	\$ 2,500.00	\$ 36.87	\$ 2,463.13
Labor and employes, Mansion.....	2,000.00	602.45	1,399.55
Fuel, light, ice, telephone and water.....	1,800.00	303.06	1,496.94

†Transfers mentioned authorized under appropriation bill.

(Mr. Burns in the Chair.)

RELATIVE TO THE PER DIEM OF
MEMBERS OF THE LEGIS-
LATURE

The Speaker laid before the House for consideration at this time the following resolution:

S. C. R. No. 3, Relative to the per diem of Members of the Legislature.

Be it resolved by the Senate of the State of Texas, the House of Representatives concurring. That the pay of the Members of the Regular Session of the Forty-third Legislature is hereby fixed at eight dollars (\$8.00) per diem. Be it further

Resolved, In addition to the per diem the Members of each house shall be entitled to mileage in going to and returning from the seat of Government, which mileage shall be two dollars and fifty cents (\$2.50) for every twenty-five (25) miles, the distance to be computed by the nearest and most direct route of travel, from a table of distance prepared by the Comptroller to each county seat now or hereafter to be established; no Member to be entitled to mileage for any extra session that may be called in one (1) day after the adjournment of the Regular or any Called Session of this Legislature. /

DE BERRY,
POAGE,
ONEAL,
HOLBROOK.

The resolution was read second time.

Mr. Anderson of Bexar and Mr. Pope offered the following amendment to the resolution:

Amend Senate Concurrent Resolution No. 3 by striking out the words "at eight dollars (\$8.00) per diem" and insert in lieu thereof the following: "as follows, to-wit: The salary and per diem pay of the Members of the House of Representatives is hereby fixed and shall be ten dollars (\$10) per day. The Senate having fixed its per diem (pay) at eight dollars (\$8) per day, the salary and per diem of the Members of the Senate is hereby fixed and shall be eight dollars (\$8) per day."

Mr. Anderson of Bexar moved the previous question on the pending amendment and the resolution, and the main question was ordered.

Mr. Graves raised a point of order on further consideration of the

amendment on the ground that the amendment is unconstitutional.

The Speaker declined to rule on the point of order, stating that the Members could, individually, by their vote on the amendment, decide on the point of order.

Question recurring on the amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—112

Mr. Speaker.	Holloway.
Adamson.	Hyder.
Alexander.	Jackson.
Alsup.	Johnson
Anderson	of Anderson.
of Bexar.	Jones of Runnels.
Anderson	Jones of Shelby.
of Johnson.	Kayton.
Baker.	Kyle of Palo Pinto.
Barrett.	Kyle of Hays.
Barron.	Lemens.
Bourne.	Leonard.
Bradley.	Lindsey.
Burns.	Lotief.
Butler.	Magee.
Canon.	Mackay.
Caven.	Mathis.
Chastain.	McCullough.
Clayton.	McDougald.
Colson.	McGregor.
Coombes.	McKee.
Cowley.	Mitcham.
Crossley.	Moore.
Daniel.	Morrison.
Davidson.	Morse.
Dean.	Palmer.
Devall.	Parkhouse.
Dunagan.	Patterson.
Dunlap.	Pavlica.
Duvall.	Pope.
Dwyer.	Ramsey.
Engelhard.	Ratliff.
Few.	Ray.
Fisher.	Reader.
Ford.	Reed of Dallas.
Golson.	Renfro.
Good.	Riddle.
Goodman.	Roberts.
Greathouse.	Rogers
Griffith.	of Ochiltree
Haag.	Rogers of Hunt.
Hankamer.	Rollins.
Harman.	Ross.
Harris.	Russell.
Harrison.	Savage.
Hartzog.	Scarborough.
Head.	Scott.
Hicks.	Shannon.
Hill of Brazoria.	Shults.
Hill of Webb.	Stanfield.
Hodges.	Steward.
Holekamp.	Stinson.
Holland.	Stovall.

Tarwater.	Weinert.
Thomas.	West.
Turlington.	Winningham.
Van Zandt.	Wood.
Wagstaff.	Young.

Nays—34

Aikin.	Laird.
Beck.	Latham.
Bedford.	McClain.
Calvert.	Merritt.
Camp.	Metcalfe.
Cathey.	Moffett.
Fain.	Munson.
Fuchs.	Nicholson.
Glass.	Puryear.
Graves.	Reed of Bowie.
Hester.	Sullivant.
Huddleston.	Tennyson.
Hughes.	Tillery.
Hunt.	Townsend.
James.	Vaughan.
Johnson of Dimmit.	Walker.
Jones of Atascosa.	Wells.

Absent

Hoskins.	Long.
Jefferson.	Smith.

The resolution, as amended, was then adopted.

Mr. Pope moved to reconsider the vote by which the resolution was adopted and to table the motion to reconsider.

The motion to table prevailed.

REASONS FOR VOTES

I vote for reduction to eight dollars per day because I am on record to reduce expenses wherever I can and I think the place to begin to be conservative is to begin with myself, then no one can slap me in the face and say you cut mine and refused to cut yourself.

MERRITT.

I voted against this resolution. I refuse to lower the efficiency and dignity of this Body. Cut them to mere expenses and thereby lay temptation of graft at their feet.

YOUNG.

RECESS

On motion of Mr. Anderson of Bexar, the House, at 12:35 o'clock p. m., took recess to 2:30 o'clock p. m., today.

AFTERNOON SESSION

The House met at 2:30 o'clock p. m., and was called to order by the Speaker.

MESSAGE FROM THE GOVERNOR

Mr. Mark Wiginton, assistant secretary to the Governor, appeared at the Bar of the House, and being duly announced, presented the following message from the Governor, which was read to the House, as follows:

Executive Office,

Austin, Texas, January 11, 1933.

To the Members of the Forty-third Legislature:

I hereby submit for your special consideration as an emergency matter the following:

Hon. John N. Garner, representing the Fifteenth District of Texas and now serving as Speaker of the Seventy-third Congress, was re-elected in the last general election and at the same time honored by election as Vice-President of the United States. Necessarily, he can not qualify for both offices on March 4, 1933, and, with forethought characteristic of this servant of the people, he has notified me in writing that he does not intend to qualify as Congressman from the Fifteenth District and desires to resign his rights.

The resignation of Mr. Garner from the term commencing March 4, 1933, discloses a defect in our election laws. I have been advised by the Attorney General that under the laws as they exist at present, the Governor is without authority to call a special election to fill a vacancy until the vacancy has actually occurred. This defect in the law threatens to deprive the citizenship of the Fifteenth District of the representation, for a time at least, to which they are entitled in the National Congress.

A similar emergency has arisen in the Eighth District by virtue of the sad passing away of the beloved Dan Garrett. I have heretofore called a special election for the twenty-eighth day of January, 1933, to fill his present unexpired term and at the same time, because it was deemed to be in the interest of the general public and in order to economize, have called an election to fill the full or regular term. There seems to be some doubt as to the authority of the Governor to call this special election for the latter purpose.

I am, therefore, submitting in these emergencies for your special consideration the matter of providing for the ordering of special elections to fill prospective vacancies. A bill has been prepared, and will be introduced in the Senate by Senator Woodul, to provide for the ordering of special elections and fixing the time for the holding thereof, and providing that special elections may be ordered to elect a person to fill an unexpired term and to fill the succeeding term in certain offices where the incumbent is re-elected and thereafter dies, resigns, or where for any other reason a vacancy occurs in the unexpired term; providing that an election shall be ordered upon acceptance of resignation of an incumbent where he tenders a resignation effective at a future date; providing that where the officer-elect of certain offices dies before qualifying or becomes ineligible to qualify for the office to which he was elected, an election to select a successor to the incumbent shall immediately be ordered; designating the Governor to receive and accept resignations where no other officer is authorized to receive same; repealing Article 2952, Revised Civil Statutes of 1925; and validating elections heretofore held, or orders of election heretofore made, where same would have been authorized under the terms of the proposed Act.

I am attaching hereto a copy of the proposed bill, which I believe will take care of these contingencies and better protect the interests of the people:

— B. No.—

By _____

A BILL

To Be Entitled

An Act providing for the ordering of special elections to fill public offices and for fixing the time for the holding thereof; providing that special election shall be ordered to fill vacancies in certain public offices; providing that special elections be ordered to elect a person to fill the unexpired term and a person to fill the succeeding term in certain offices where the incumbent is re-elected and thereafter dies, resigns or where for any other reason a vacancy occurs in the unexpired term, and no person is legally entitled to fill the term to which the former officer was elected to suc-

ceed himself; providing that an election shall be ordered upon acceptance of resignation of the incumbent of certain offices where he tenders a resignation effective at a future date, to select a successor to the incumbent for the unexpired term; providing that where the officer-elect of certain offices dies before qualifying or becomes ineligible to qualify for the office to which he was elected, an election to select a successor designating the Governor as the proper officer to receive and accept resignations of public officers where no other officer is authorized to receive same; repealing Article 2952, Revised Civil Statutes of 1925; validating elections heretofore held or orders of election heretofore made where same would have been authorized under this Act; providing that if any section, paragraph or provision hereof be held unconstitutional or invalid the remaining portions of this Act shall not be affected but shall remain in force and effect; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Where special elections are authorized by this Act, the officer authorized by law to order elections shall make such order, fixing the time of the election not less than twenty nor more than sixty days after the first public notice of such order.

Sec. 2. Where vacancies which are to be filled by election occur in a civil office, an election shall immediately be ordered to fill the unexpired term.

Sec. 3. Where an officer, holding an office the vacancy of which is to be filled by election, is re-elected to a term of office succeeding that of which he is the incumbent, and where, after the re-election of said officer, by reason is no person legally entitled to fill the office for the unexpired term or to fill the office for the succeeding term to which the former officer was elected to succeed himself, an election shall be immediately ordered to elect a person to fill the unexpired term in said office and to elect a person to fill the term of office succeeding the unexpired term.

Sec. 4. When the incumbent of an office, the vacancy of which is to be filled by election, tenders to the officer authorized by law to receive same a

written resignation effective at a future date, an election shall be ordered immediately after acceptance of the resignation to elect a successor to the incumbent to fill the term of office unexpired from and after the effective date of the resignation.

Sec. 5. When an officer-elect to an office a vacancy in which must be filled by election, tenders to the officer authorized by law to receive the resignation of an incumbent of the office to which said officer-elect was elected, a declaration in writing of his intention not to qualify for the office to which he was elected, an election shall be ordered immediately upon receipt of said written declaration to elect a successor to the incumbent of the office.

Sec. 6. When the officer-elect to an office which must be filled by election dies or becomes ineligible to qualify immediately order an election to elect a successor to the incumbent of the office.

Sec. 7. Where no officer is otherwise authorized by law to receive and accept the resignation of an officer, the Governor is hereby designated as the officer to do so, and he is hereby empowered and authorized to receive and accept the resignation of all such officers.

Sec. 8. Article 2952, Revised Civil Statutes, 1925, is hereby expressly repealed.

Sec. 9. All elections heretofore held or orders of elections heretofore made are hereby validated where same would have been authorized under the provisions of this Act.

Sec. 10. If any section, paragraph, or provision of this Act be held or declared unconstitutional or invalid for any reason, such holding shall not in any manner affect the remaining sections, paragraphs, or provisions of this Act, but the same shall remain in full force and effect.

Sec. 11. The fact that existing laws do not adequately provide for the continuous representation of the people of this State, and in view of the fact that there are now existent situations whereby the people of this State will soon be deprived of the representation to which they are entitled unless existing laws are changed, create an emergency and an imperative public necessity requiring that the constitutional rule that bills

be read on three several days in each house be, and the same is hereby, suspended, and this Act shall take effect and be in force from the date of its passage, and it is so enacted.

Respectfully submitted

R. S. STERLING,
Governor of Texas.

(Mr. Burns in the Chair.)

PROVIDING FOR EMPLOYEES OF THE HOUSE

Mr. Mathis and Mr. Kayton offered a resolution providing for completing the organization of the House, and providing for certain employes, which resolution was laid before the House.

Mr. McGregor moved that the resolution be now referred to a committee of four Members, of which the Speaker shall be the chairman.

The motion prevailed.

PROVIDING FOR COMMITTEE TO COUNT VOTES FOR GOVERNOR AND LIEUTENANT GOVERNOR

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 2, Providing for committee to count votes cast for Governor and Lieutenant-Governor.

Be it resolved by the Senate of Texas, the House of Representatives concurring, That the President of the Senate appoint five Senators, and the Speaker of the House of Representatives appoint five Members of the House of Representatives, to count the votes in the recent election for Governor and Lieutenant-Governor, and to make all necessary arrangements for their inauguration.

The resolution was read second time, and was adopted.

In accordance with the above action, the Speaker announced the appointment of the following committee to count the votes cast for Governor and Lieutenant-Governor: Messrs. McGregor, Ford, Anderson of Bexar, Jones of Atascosa, and Walker.

PROVIDING FOR THE ADOPTION OF JOINT RULES

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 1, Providing for the adoption of Joint Rules of the House and Senate.

Be it resolved by the Senate of Texas, the House of Representatives concurring, That the Joint Rules of the Senate and House adopted by the Forty-second Legislature be adopted as the Joint Rules of the Senate and House of the Forty-third Legislature until amended or changed by action of both the Senate and the House.

The resolution was read second time, and was adopted.

TO AMEND HOUSE RULE XVIII, SECTION 4

Mr. Morse offered the following resolution:

Resolved, That House Rule XVIII, Section 4, be amended by adding at the end thereof, the following: "unless otherwise directed by majority vote of the House, twenty-four (24) hours may elapse between the time of introduction and the time of first reading and reference to the proper Committee."

The resolution was read second time, and was referred by the Speaker to the Committee on Rules.

RELATIVE TO THE ABANDON- MENT OF CERTAIN FORTS

Mr. Haag offered the following resolution:

H. C. R. No. 1, Relative to the abandonment of certain forts.

Whereas, In time of peace it is the duty of a government to provide a sufficient quota of its regular army along its borders in order that experienced officers and soldiers, familiar with that character of warfare which would be waged according to the nature of the country along said border, would be available to train recruits in the art of such warfare should the occasion arise; and

Whereas, The State of Texas has for its southern boundary many miles of land coexistent with the frontier of the United States, and the land along said border on both sides being largely a rough, mountainous, wild and unpopulated country difficult of defense and for hundreds of miles impenetrable except by cavalry and infantry with transportation of equipment impossible except by pack animals; and any warfare conducted along said border would necessarily be of a sort suitable to the nature of

the country and the climate thereof, which is totally different from that of other boundaries of the United States; and troops trained in automobiles and unfamiliar with the country and its customs would be useless until properly equipped and trained; and

Whereas, Although the relations with our sister nation to the south are most cordial and ill feeling sufficient to cause war would be practically impossible under her present wise, stable and friendly government, and this cordiality should be permanent; and

Whereas, The establishment of forts along said border as a deterrent and their very existence has prevented raids by revolutionary and lawless bands from across said border; has reduced smuggling and the violation of other international law, and especially important among said forts is Fort D. A. Russell, near Marfa, which protects the Big Bend Country, the importance of said fort being understandable by a mere glance at the map of Texas; and

Whereas, The Honorable Tom Connally, junior Senator from Texas, and Hon. R. E. Thomason, Member of Congress from the Sixteenth Congressional District, solemnly protested the action of the War Department in the useless and extravagant withdrawal of said troops and abandonment of said forts. Now, therefore, be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That we indorse the position taken by Senator Connally and Hon. R. E. Thomason in regard to the above matter, and commend them for their able advocacy of the rights of the citizens of Texas; and be it further

Resolved, That a copy of this resolution be sent to each member of the House of Representatives and each Senator from Texas in the Congress of the United States.

Signed—Haag, Metcalfe, Hankamer, Jackson, Townsend, Clayton, Ford, Davidson.

The resolution was read second time and was adopted.

INVITING THE HON. MIKE S. CONNOR TO ADDRESS THE HOUSE

Mr. Long and Mr. Walker offered the following resolution:

Whereas, Governor Mike S. Connor, of the State of Mississippi, will be in the next few days passing through

the State of Texas, and will be visiting in the City of Austin, and is a man possessed of much information concerning modern taxation and is familiar with the recent laws of the State of Mississippi concerning taxes on sales; and,

Whereas, It is thought that information possessed by this outstanding statesman would be of much benefit to the Members of the Forty-third Legislature; therefore, be it

Resolved, That the said Gov. Mike S. Connor be invited to address the House of Representatives in Austin at a time most convenient to him, and that the Speaker of the House send to him by wire this invitation.

The resolution was read second time, and was adopted.

PROVIDING FOR EMPLOYES OF THE HOUSE

Mr. Mathis offered the following resolution:

Whereas, It is the duty of the State of Texas to furnish the House of Representatives and its Members with the proper facilities, employes, and supplies to permit them to conduct and transact their official business in a businesslike and efficient manner; therefore, be it

Resolved by the House of Representatives of the Forty-third Legislature of the State of Texas, That the Speaker of the House shall appoint the following employes for the Regular Session of the Forty-third Legislature to serve for such compensation as is herein provided, unless otherwise specified:

1. Parliamentarian to the House, at \$7.50 per day.

2.

3. Two secretaries to the Speaker, at \$5 per day.

4. One porter for the speaker, at \$3 per day.

5.

6. One secretary to the Chief Clerk, at \$5 per day.

7. One pay roll clerk for the Chief Clerk, for half-time work, at \$2.50 per day.

8. One clerk to the Chief Clerk, at \$3 per day.

9. One page to the Chief Clerk, at \$2 per day.

10. One assistant to the Journal Clerk, at \$5 per day.

11. Two assistants to the Calendar Clerk, at \$3 per day, each.

12. One clerk to the Committee on Appropriations at \$7.50 per day.

13. One assistant clerk to the Committee on Appropriations, at \$5 per day.

13a. One reference librarian, and data clerk, at \$5 per day.

14. One stenographer for the Committee on Appropriations, at \$5 per day.

15. One page for the Committee on Appropriations, at \$2 per day.

16. One superintendent of stenographers, at \$6.50 per day.

17. Forty expert stenographers and typists, at \$4.50 per day, each.

One superintendent of committee clerks, \$5.

18. Fifteen committee clerks, at \$4 per day, each.

19. Six secretaries for Committee Chairmen, at \$3 per day, each.

20. One clerk for the Committee on Contingent Expenses, at \$6.50 per day.

21. One assistant clerk to the Committee on Contingent Expenses, at \$4 per day.

22. One mailing clerk for the Journal, at \$4 per day.

23. One assistant mailing clerk for the Journal, at \$3.50 per day.

24. One supply clerk and storekeeper, at \$3 per day.

25. One assistant supply clerk, at \$2.50 per day.

26. One page to the Committee on Contingent Expenses, at \$2 per day.

27. One porter to the Committee on Contingent Expense, at \$2 per day.

28. One page to the Doorkeeper, at \$2.50 per day.

29. One page for the Enrolling and Engrossing Rooms, at \$2 per day.

30. One page for the stenographic force, at \$2 per day.

31. One messenger to carry papers to the Confederate Home, at \$2 per day.

32. Twenty-five pages, at \$2 per day.

33. One multigraph and/or mimeograph clerk, at \$3 per day.

34. One secretary to Mr. Van Zandt, at \$2.50 per day.

35. One secretary to Mr. Alsup, at \$2.50 per day.

36. One secretary to Mr. Hicks, at \$2.50 per day.

37. Three assistant sergeants-at-arms, at \$3 per day, each.

38. One night watchman, at \$2 per day.

39. One assistant night watchman, at \$2 per day.

40. Ten porters, at \$2 per day, each.

41. One superintendent of porters, at \$3.50 per day.

42. Two elevator boys, at \$2 per day, each.

43. One day houseman at \$2.50 per day.

44. One night houseman, at \$2.50 per day.

45. One chief operator for voting machine, at \$7.50 per day.

46. One assistant operator for voting machine, at \$5 per day.

47. Be it further resolved, That it shall be the duty of the Speaker, and he is hereby empowered, to dispense with the services of any employe who, in his judgment, is not further needed; or for the misconduct of any employe, and he shall have the power to appoint extra help whenever in his judgment it is needed. The duties of the employes heretofore mentioned shall be such as are required by the Speaker of the House of Representatives.

Any of the employes may be excused by the Speaker for causes deemed by him sufficient; provided further, that any employe who shall absent himself without leave shall not receive any compensation for the time missed during his absence. The salaries of the employes shall begin when they are instructed to begin work by the Speaker. Be it further

Resolved, That each Member of the House of Representatives of the Forty-third Legislature be and is herewith allowed a credit in the sum of \$100 each with the Committee on Contingent Expenses for expenditure for stationery, supplies, postage, telephone tolls and/or telegraph tolls. The Speaker shall be allowed an additional \$50, the Chief Clerk shall be allowed \$50, the Committee on Contingent Expenses shall be allowed \$20, and the Committee on Appropriations shall be allowed \$50.

The Committee on Contingent Expenses shall procure and keep for the use of the House, its Members, officers, and committees, such stationery, stamps, and other supplies as may be needed and ordered by the House, the Speaker, and/or the Chairman of the Committee on Contingent Expenses. The Clerk of this Committee shall keep an itemized account of the quantity of every kind of material received, the date it was received, the price paid therefor, and the person from whom it was received. The un-

used remainder, if any, shall be delivered, at the close of the Session, to the Board of Control for safe keeping. The office of this Committee shall be kept open daily, except Sundays, from 8:30 a. m. until one hour after the adjournment of the House and on Sundays, from 9 a. m. to 11 a. m. The Committee shall keep a set of books, containing an account for each Member, officer, and/or committee authorized by the House, to expend stationery, supplies, stamps, telephone and/or telegraph tolls, and shall charge to each such account its daily withdrawals. The clerk of the Committee shall furnish a statement to each of the accounts, monthly, or when requested.

The Committee on Contingent Expenses shall have jurisdiction over the mailing of the Journal.

Each Member shall be furnished with three weekly and/or daily newspapers, of his own selection.

Each Member shall be furnished with a post-office box, rent of which is to be paid by the Committee, if requested by a Member.

All requisitions for paper and supplies necessary for the preparation of bills and/or resolutions, for the use of the Enrolling and Engrossing Rooms and/or the Standing Committees of the House shall be under the direction and care of the Committee on Contingent Expenses. This Committee is also authorized to rent a sufficient number of typewriters and other business machines for the use of the House and its employes, and to furnish same with proper materials. Be it further

Resolved, That nine hundred copies of the House Journal be printed daily; one hundred to be delivered to the Senate, one copy to be placed on each Member's desk daily, seventy-five copies to be delivered to the State Library, and the remainder to be left with the Committee on Contingent Expenses for distribution under the direction of the Speaker.

Resolved further, That no allowances included in this resolution shall be expended except for actual salaries and/or actual expenses of the House, its Members, officers, committees, and/or employes hereinabove named. All such funds necessary to be expended in payment of the above shall be paid out of the Contingent Expense Fund of the House.

The resolution was read second time.

Mrs. Hughes moved that further consideration of the resolution be postponed until 10 o'clock a. m., tomorrow, and that the resolution be printed in the Journal.

Mr. Mathis moved to table the motion.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—101

Adamson.	Jones of Shelby.
Alexander.	Kayton.
Alsup.	Kyle of Palo Pinto.
Anderson	Laird.
of Bexar.	Latham.
Baker.	Lemens.
Barron.	Leonard.
Bedford.	Lindsey.
Burns.	Long.
Canon.	Lotief.
Caven.	Magee.
Chastain.	Mathis.
Colson.	McClain.
Coombes.	McCullough.
Cowley.	McDougald.
Daniel.	McGregor.
Davidson.	Merritt.
Dean.	Mitcham.
Devall.	Morrison.
Dunagan.	Munson.
Dunlap.	Palmer.
Duvall.	Parkhouse.
Dwyer.	Patterson.
Engelhard.	Pavlica.
Few.	Pope.
Fisher.	Ramsey.
Fuchs.	Ray.
Glass.	Reader.
Good.	Reed of Dallas.
Goodman.	Renfro.
Greathouse.	Riddle.
Griffith.	Rogers
Haag.	of Ochiltree
Harman.	Rogers of Hunt.
Harris.	Russell.
Harrison.	Savage.
Hartzog.	Scott.
Hester.	Shannon.
Hicks.	Shults.
Hill of Brazoria.	Smith.
Hill of Webb.	Stinson.
Holekamp.	Stovall.
Holland.	Tarwater.
Holloway.	Tennyson.
Hoskins.	Thomas.
Huddleston.	Tillery.
Hyder.	Vaughan.
Jackson.	Wagstaff.
James.	Walker.
Johnson	Weinert.
of Anderson.	West.
Jones of Runnels.	Young.

Nays—48

Aikin.	Jones of Atascosa.
Anderson	Kyle of Hays.
of Johnson.	Mackay.
Barrett.	McKee.
Beck.	Metcalfe.
Bourne.	Moffett.
Bradley.	Moore.
Butler.	Morse.
Calvert.	Nicholson.
Camp.	Puryear.
Cathey.	Ratliff.
Clayton.	Reed of Bowie.
Crossley.	Roberts.
Fain.	Rollins.
Ford.	Ross.
Golson.	Scarborough.
Graves.	Stanfield.
Hankamer.	Steward.
Head.	Sullivan.
Hodges.	Townsend.
Hughes.	Turlington.
Hunt.	Van Zandt.
Jefferson.	Wells.
Johnson	Winningham.
of Dimmit.	Wood.

Mr. Patterson offered the following amendment to the resolution:

Amend the resolution, by changing "\$5 to \$7.50" following "assistant journal clerk."

PATTERSON,
MORSE,
HUGHES.

The amendment was adopted.

Mrs. Hughes offered the following amendment to the resolution:

Amend resolution, by striking out "Item 13-a."

The amendment was adopted.

Mr. Stinson offered the following amendment to the resolution:

Amend resolution, by changing "three newspapers" to "one newspaper" per Member.

Mr. Metcalfe offered the following substitute for the amendment:

Amend resolution to provide for two daily and/or weekly newspapers.

BARRETT,
METCALFE,
MORRISON.

The substitute amendment was adopted.

The amendment, as substituted, was then adopted.

Mr. Pope offered the following amendment to the resolution:

Amend the resolution by adding at the end thereof the following:

The Speaker is hereby authorized to appoint two or more persons to perform the service imposed on any position created hereby and to apportion the time and compensation between such appointees, provided the total of such divided compensation shall not exceed the amount herein fixed for such position.

POPE.

The amendment was adopted.

Mr. Scott offered the following amendment to the resolution:

Amend resolution, Item 17, to provide for 45 stenographers at \$4 per day.

SCOTT,
METCALFE,
GOOD.

The amendment was adopted.

Mrs. Hughes offered the following amendment to the resolution:

Amend House simple resolution by striking out Item 19, "six secretaries" to "six committee chairmen."

HUGHES,
FORD.

The amendment was adopted.

Mrs. Hughes and Mr. Ford offered the following amendment to the resolution:

Amend House simple resolution by striking out Item 13, "assistant clerk to appropriations committee."

The amendment was adopted.

Mr. Chastain offered the following amendment to the resolution:

Amend House simple resolution, Item 32, by changing "\$2" to "\$2.50."

The amendment was adopted.

Mr. Leonard offered the following amendment to the resolution:

Amend resolution by changing salary of mimeograph clerk from "\$3 per day" to "\$4 per day."

The amendment was lost.

Mr. Lemens offered the following amendment to the resolution:

Amend House simple resolution, by making Sections 34, 35, and 36 read: "\$3 per day."

The amendment was adopted.

The resolution, as amended, was then adopted.

BILLS ORDERED NOT PRINTED

On motion of Mr. Harman, Senate Bill No. 2 and Senate Bill No. 3 were ordered not printed.

SENATE BILL NO. 2 ON SECOND READING

Mr. Harman moved that the constitutional rule requiring bills to be read on three several days be suspended, and that Senate Bill No. 2 be placed on its second reading and passage to third reading, and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—146

Adamson.	Head.
Aikin.	Hester.
Alexander.	Hicks.
Alsup.	Hill of Brazoria.
Anderson	Hill of Webb.
of Johnson.	Hodges.
Baker.	Holekamp.
Barrett.	Holland.
Barron.	Holloway.
Beck.	Hoskins.
Bedford.	Huddleston.
Bourne.	Hughes.
Bradley.	Hunt.
Burns.	Hyder.
Butler.	Jackson.
Calvert.	James.
Camp.	Jefferson.
Canon.	Johnson
Cathey.	of Dimmit.
Caven.	Johnson
Chastain.	of Anderson.
Clayton.	Jones of Runnels.
Colson.	Jones of Shelby.
Coombes.	Jones of Atascosa.
Cowley.	Kayton.
Crossley.	Kyle of Palo Pinto.
Daniel.	Kyle of Hays.
Davidson.	Laird.
Dean.	Latham.
Devall.	Lemens.
Dunagan.	Leonard.
Duvall.	Lindsey.
Dwyer.	Lotief.
Engelhard.	Magee.
Fain.	Mackay.
Few.	Mathis.
Fisher.	McClain.
Ford.	McCullough.
Fuchs.	McDougald.
Glass.	McGregor.
Golson.	McKee.
Good.	Merritt.
Goodman.	Metcalf.
Graves.	Mitcham.
Greathouse.	Moffett.
Griffith.	Moore.
Haag.	Morrison.
Hankamer.	Morse.
Harman.	Munson.
Harris.	Nicholson.
Harrison.	Palmer.
Hartzog.	Parkhouse.

Patterson.	Shults.
Pavlica.	Smith.
Pope.	Stanfield.
Puryear.	Steward.
Ramsey.	Stinson.
Ratliff.	Stovall.
Ray.	Sullivant.
Reader.	Tarwater.
Reed of Bowie.	Tennyson.
Reed of Dallas.	Thomas.
Renfro.	Tillery.
Riddle.	Townsend.
Roberts.	Turlington.
Rogers	Van Zandt.
of Ochiltree	Vaughan.
Rogers of Hunt.	Wagstaff.
Rollins.	Walker.
Ross.	Weinert.
Russell.	Wells.
Savage.	West.
Scarborough.	Winningham.
Scott.	Wood.
Shannon.	Young.

• Absent

Anderson	Dunlap.
of Bexar.	Long.

The Speaker then laid before the House on its second reading and passage to third reading,

S. B. No. 2, Making appropriation to pay mileage and per diem of Members, and to pay salaries and per diem of officers and employes of the Forty-third Legislature.

The bill was read second time and was passed to third reading.

SENATE BILL NO. 2 ON THIRD READING

The Speaker then laid Senate Bill No. 2 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—146

Adamson.	Butler.
Aikin.	Calvert.
Alexander.	Camp.
Alsup.	Canon.
Anderson	Cathey.
of Johnson.	Caven.
Baker.	Chastain.
Barrett.	Clayton.
Barron.	Colson.
Beck.	Coombes.
Bedford.	Cowley.
Bourne.	Crossley.
Bradley.	Daniel.
Burns.	Davidson.

Dean.	McCullough.
Devall.	McDougald.
Dunagan.	McGregor.
Duvall.	McKee.
Dwyer.	Merritt.
Engelhard.	Metcalfe.
Fain.	Mitcham.
Few.	Moffett.
Fisher.	Moore.
Ford.	Morrison.
Fuchs.	Morse.
Glass.	Munson.
Golson.	Nicholson.
Good.	Palmer.
Goodman.	Parkhouse.
Graves.	Patterson.
Greathouse.	Pavlica.
Griffith.	Pope.
Haag.	Puryear.
Hankamer.	Ramsey.
Harman.	Ratliff.
Harris.	Ray.
Harrison.	Reader.
Hartzog.	Reed of Bowie.
Head.	Reed of Dallas.
Hester.	Renfro.
Hicks.	Riddle.
Hill of Brazoria.	Roberts.
Hill of Webb.	Rogers
Hodges.	of Ochiltree.
Holekamp.	Rogers of Hunt.
Holland.	Rollins.
Holloway.	Ross.
Hoskins.	Russell.
Huddleston.	Savage.
Hughes.	Scarborough.
Hunt.	Scott.
Hyder.	Shannon.
Jackson.	Shults.
James.	Smith.
Jefferson.	Stanfield.
Johnson	Steward.
of Dimmit.	Stinson.
Johnson	Stovall.
of Anderson.	Sullivant.
Jones of Runnels.	Tarwater.
Jones of Shelby.	Tennyson.
Jones of Atascosa.	Thomas.
Kayton.	Tillery.
Kyle of Palo Pinto.	Townsend.
Kyle of Hays.	Turlington.
Laird.	Van Zandt.
Latham.	Vaughan.
Lemens.	Wagstaff.
Leonard.	Walker.
Lindsey.	Weinert.
Lotief.	Wells.
Magee.	West.
Mackay.	Winningham.
Mathis.	Wood.
McClain.	Young.

Absent

Anderson	Dunlap.
of Bexar.	Long.

SENATE BILL NO 3 ON SECOND
READING

Mr. Harman moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 3 be placed on its second reading and passage to third reading, and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—146

Adamson.	Head.
Aikin.	Hester.
Alexander.	Hicks.
Alsup.	Hill of Brazoria.
Anderson	Hill of Webb.
of Johnson.	Hodges.
Baker.	Holekamp.
Barrett.	Holland.
Barron.	Holloway.
Beck.	Hoskins.
Bedford.	Huddleston.
Bourne.	Hughes.
Bradley.	Hunt.
Burns.	Hyder.
Butler.	Jackson.
Calvert.	James.
Camp.	Jefferson.
Canon.	Johnson
Cathey.	Johnson
Caven.	of Dimmit.
Chastain.	Johnson
Clayton.	of Anderson.
Colson.	Jones of Runnels.
Coombes.	Jones of Shelby.
Cowley.	Jones of Atascosa.
Crossley.	Kayton.
Daniel.	Kyle of Palo Pinto.
Davidson.	Kyle of Hays.
Dean.	Laird.
Devall.	Latham.
Dunagan.	Lemens.
Duvall.	Leonard.
Dwyer.	Lindsey.
Engelhard.	Lotief.
Fain.	Magee.
Few.	Mackay.
Fisher.	Mathis.
Ford.	McClain.
Fuchs.	McCullough.
Glass.	McDougald.
Golson.	McGregor.
Good.	McKee.
Goodman.	Merritt.
Graves.	Metcalf.
Greathouse.	Mitcham.
Griffith.	Moffett.
Haag.	Moore.
Hankamer.	Morrison.
Harman.	Morse.
Harris.	Munson.
Harrison.	Nicholson.
Hartzog.	Palmer.

Parkhouse.	Shults.
Patterson.	Smith.
Pavlica.	Stanfield.
Pope.	Steward.
Purvey.	Stinson.
Ramsey.	Stovall.
Ratliff.	Sullivant.
Ray.	Tarwater.
Reader.	Tennyson.
Reed of Bowie.	Thomas.
Reed of Dallas.	Tillery.
Renfro.	Townsend.
Riddle.	Turlington.
Roberts.	Van Zandt.
Rogers	Vaughan.
of Ochiltree.	Wagstaff.
Rogers of Hunt.	Walker.
Rollins.	Weinert.
Ross.	Wells.
Russell.	West.
Savage.	Winningham.
Scarborough.	Wood.
Scott.	Young.
Shannon.	

Absent

Anderson	Dunlap.
of Bexar.	Long.

The Speaker then laid before the House, on its second reading and passage to third reading, S. B. No. 3, Appropriating certain sum of money for contingent expenses of the Forty-third Legislature.

The bill was read second time and was passed to third reading.

SENATE BILL NO. 3 ON THIRD
READING

The Speaker then laid Senate Bill No. 3 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—146

Adamson.	Cathey.
Aikin.	Caven.
Alexander.	Chastain.
Alsup.	Clayton.
Anderson	Colson.
of Johnson.	Coombes.
Baker.	Cowley.
Barrett.	Crossley.
Barron.	Daniel.
Beck.	Davidson.
Bedford.	Dean.
Bourne.	Devall.
Bradley.	Dunagan.
Burns.	Duvall.
Butler.	Dwyer.
Calvert.	Engelhard.
Camp.	Fain.
Canon.	Few.

Fisher.	Merritt.
Ford.	Metcalfe.
Fuchs.	Mitcham.
Glass.	Moffett.
Golson.	Moore.
Good.	Morrison.
Goodman.	Morse.
Graves.	Munson.
Greathouse.	Nicholson.
Griffith.	Palmer.
Haag.	Parkhouse.
Hankamer.	Patterson.
Harman.	Pavlica.
Harris.	Pope.
Harrison.	Puryear.
Hartzog.	Ramsey.
Head.	Ratliff.
Hester.	Ray.
Hicks.	Reader.
Hill of Brazoria.	Reed of Bowie.
Hill of Webb.	Reed of Dallas.
Hodges.	Renfro.
Holekamp.	Riddle.
Holland.	Roberts.
Holloway.	Rogers
Hoskins.	of Ochiltree.
Huddleston.	Rogers of Hunt.
Hughes.	Rollins.
Hunt.	Ross.
Hyder.	Russell.
Jackson.	Savage
James.	Scarborough.
Jefferson.	Scott.
Johnson	Shannon.
of Dimmit.	Shults.
Johnson	Smith.
of Anderson.	Stanfield.
Jones of Runnels.	Steward.
Jones of Shelby.	Stinson.
Jones of Atascosa.	Stovall.
Kayton.	Sullivant.
Kyle of Palo Pinto.	Tarwater.
Kyle of Hays.	Tennyson.
Laird.	Thomas.
Latham.	Tillery.
Lemens.	Townsend.
Leonard.	Turlington.
Lindsey.	Van Zandt.
Lotief.	Vaughan.
Magee.	Wagstaff.
Mackay.	Walker.
Mathis.	Weinert.
McClain.	Wells.
McCullough.	West.
McDougald.	Winningham.
McGregor.	Wood.
McKee.	Young.

Absent

Anderson	Dunlap.
of Bexar.	Long.

TO AMEND HOUSE RULE XIX,
SECTION 5

Mr. Johnson of Dimmit offered the following resolution:

Resolved by the House of Representatives of the Forty-third Legislature, That the following words of Section 5, of Rule XIX, as shown on page 388 of the 1931 Legislative Manual, be stricken out, viz:

"Provided, however, that no bill or joint resolution shall be introduced in the House after the first sixty days of a Regular Session of the Legislature except by consent of a two-thirds vote of the House; and if so ordered by a two-thirds vote, such bill or joint resolution shall then be referred to a committee for consideration the same as other bills and joint resolutions. It is further provided, that after the first sixty days, when a Member desires to introduce a bill or joint resolution, he shall be allowed five minutes in which to explain the purposes of his bill, the vote then being taken without further debate."

And insert in lieu thereof the following:

"Provided, however, that after the first sixty days of the Regular Session no bill shall be introduced in the House except local bills, emergency appropriations, and all emergency matters submitted by the Governor in special messages to the Legislature, unless otherwise directed by an affirmative record vote of four-fifths of its membership."

JOHNSON of Dimmit.

The resolution was read second time, and was referred by the Speaker to the Committee on Rules.

ADJOURNMENT

On motion of Mr. Kayton, the House, at 5:35 o'clock p. m., adjourned until 10 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following committee has filed favorable reports on bills, as follows:

Appropriations: Senate Bills Nos. 2 and 3.

In Memory of Hon. Pat O'Keefe

Mr. Savage offered the following resolution:

Whereas, On this date, January 12, 1933, Hon. Pat O'Keefe, of Dallas County, Texas, who was eighty-four years of age, a Democrat who has rendered distinctive service to his party, city, county, and State for many years, was called to his eternal reward; and

Whereas, Since 1868 he has served as assistant Sergeant-at-Arms of every National Democratic Convention, except the last one, when on account of the advice of his doctor, he was not privileged to attend; and

Whereas, He served the City of Dallas as alderman for fifteen years; during recent years has served as Sergeant-at-Arms of the Democratic Convention, as well as of the Bar Association of Dallas; and

Whereas, For a number of years he has served as office deputy warden in the Dallas District; now, therefore, be it

Resolved by the House of Representatives of the Forty-third Legislature, that we extend our most sincere sympathy in this sad hour to his faithful wife who has been his companion for so many years; that we honor his memory as a lifelong Democrat, and honorable citizen of our great State; and be it further

Resolved, That a copy of this resolution be spread upon the Journal of the House, a copy be furnished the wife of the deceased, and that when we adjourn today it be in his memory.

COOMBES,
PARKHOUSE,

SAVAGE,
HUGHES,

STINSON,
REED of Dallas.

The resolution was read second time.

On motion of Mr. Hyder, the names of all the Members of the House were added to the resolution as signers thereof.

Signed—Stevenson, Speaker; Adamson, Aikin, Alexander, Alsup, Anderson of Bexar, Anderson of Johnson, Baker, Barrett, Barron, Beck, Bedford, Bourne, Bradley, Burns, Butler, Calvert, Camp, Canon, Cathey, Caven, Chastain, Clayton, Colson, Cowley, Crossley, Daniel, Davidson, Dean, Devall, Dunagan, Dunlap, Duvall, Dwyer, Engelhard, Fain, Few, Fisher, Ford, Fuchs, Glass, Golson, Good, Goodman, Graves, Greathouse, Griffith, Haag, Hankamer, Harman, Harris, Harrison, Hartzog, Head, Hester, Hicks, Hill of Brazoria, Hill of Webb, Hodges, Holekamp, Holland, Holloway, Hoskins, Huddleston, Hunt, Hyder, Jackson, James, Jefferson, Johnson of Dimmit, Johnson of Anderson, Jones of Runnels, Jones of Shelby, Jones of Atascosa, Kayton, Kyle of Palo Pinto, Kyle of Hays, Laird, Latham, Lemens, Leonard, Lindsey, Long, Lotief, Magee, Mackay, Mathis, McClain, McCullough, McDougald, McGregor, McKee, Merritt, Metcalfe, Mitcham, Moffett, Moore, Morrison, Morse, Munson, Nicholson, Palmer, Patterson, Pavlica, Pope, Puryear, Ramsey, Ratliff, Ray, Reader, Reed of Bowie, Renfro, Riddle, Roberts, Rogers of Ochiltree, Rogers of Hunt, Rollins, Ross, Russell, Scarborough, Scott, Shannon, Shults, Smith, Stanfield, Steward, Stovall, Sullivant, Tarwarter, Tennyson, Thomas, Tillery, Townsend, Turlington, Van Zandt, Vaughan, Wagstaff, Walker, Weinert, Wells, West, Winningham, Wood, Young.

The resolution was adopted by a rising vote.